

Upper, Kim

From: Vanderklei, Craig
Sent: December 18, 2020 06:09 PM
To: Baskerville, Gregory; Belic, Ryan; Connaughton, Jim; Denis, Stephanie; Fowler, Adam; Hollands, Eric; House, Michael; House, Randy; LaBelle, Sara; Lafferty, Daniel; Libby, Mike; McIntyre, Jeff; Nelson, Steve; Perchaluk, Jay; Raj, Nadia; Reece, Erika; Robbins, Noreen; Roberts, Keely; Turner, StephanieA; Upper, Kim
Subject: Work refusal

Hello Traffic Supt team

To keep you in the loop and update you all on the work refusal in Commercial

The investigator has ruled NO DANGER in B-line (and this did not take into account the configuration changes we have since made).

Therefore, effective immediately, BSO's are to return to work on B line.

The line is now open and functioning.

We will be informing commercial staff of the ruling via face-to-face briefings.

The investigator will be sending each employee that refused work an encrypted email explaining the ruling and that they have 10 calendar days to file an appeal.

In short, its back to business on B Line.

Thank you all
Craig

Craig Vanderklei
Chief, Operations, Southern Ontario Region
Peace Bridge, Fort Erie, Ontario
Canada Border Services Agency/Government of Canada
Craig.Vanderklei@cbsa.gc.ca Tel : 905-994-6361

Craig Vanderklei
Chef, Opérations, Région du sud de l'Ontario
Peace Bridge, Fort Erie, Ontario
Agence des services frontaliers du Canada/ Gouvernement du Canada
Craig.Vanderklei@cbsa.gc.ca Tél : 905-994-6361

Upper, Kim

From: Ron Rienas <rr@peacebridge.com>
Sent: December 18, 2020 01:19 PM
To: Upper, Kim
Cc: Durocher, Christine; Christopher J. Bonn; Thomas A. Boyle
Subject: Re: Peace Bridge Work Refusal for B-line

Kim,

Below is the report we received from NITTEC involving a car striking an end-of-queue truck on the I-190. Please note this was Tuesday evening, December 15, the evening of the CBSA work refusal, not Monday as originally referenced in Chris' e-mail.

Ron

1746- Peace Bridge Authority report delays for Canada bound commercial vehicles.

1800- Commercial vehicle delays on I-190 northbound right lane from Exit 8 to Exit 9. NYS Thruway notified.

1823- NYS Thruway notify NITTEC of a crash involving a tractor trailer and a car. Two right lanes are closed on I-190 northbound just beyond Exit 8.

1826- NYS Police and EMS on scene.

1906- Scene cleared, all lanes open. Delays continue to Canada.

2130- Peace Bridge Authority report delays are still in occurring, should be cleared by 2230.

2222- Peace Bridge Authority report delays are cleared.

NITTEC
Incident Report
Tuesday, December 15, 2020 at 6:21 pm

I-190 North

{NEW} Crash beyond Exit 8 (Niagara Street). Reported at 6:21 pm. (ID# 2713)
Lanes Affected: Right Lanes Closed.

End of Travelers Advisory Report (Incident Report)

NITTEC
Incident Report
Tuesday, December 15, 2020 at 7:05 pm

I-190 North

{UPDATE} Crash beyond Exit 8 (Niagara Street) IS CLEAR. Reported at 6:21 pm and
updated at 7:04 pm. (ID# 2713)

End of Travelers Advisory Report (Incident Report)

Sent from my iPhone

On Dec 17, 2020, at 10:55 AM, Ron Rienas <rr@peacebridge.com> wrote:

Kim,

As we have discussed, see below. I will forward the details when I get them.

Ron Rienas
General Manager
Buffalo & Fort Erie Public Bridge Authority

100 Queen Street, Fort Erie, ON L2A 3S6 | 1 Peace Bridge Plaza, Buffalo, NY 14213
rr@peacebridge.com T 905-994-3676 | T 716-884-8636 | F 905-871-9940 | F 716-884-2089 | C 905-651-2206

From: Christopher J. Bonn
Sent: Thursday, December 17, 2020 10:48 AM
To: Thomas A. Boyle < > Danielle McCaffery < >
Cc: Ron Rienas <rr@peacebridge.com>
Subject: RE: Work Refusal for B-line - CBSA solution

Good morning,

Just off the phone with Mike Smith from NITTEC and he told me there was a collision Monday night directly resulting from tractor-trailers backed up on the I-190. Nothing too serious luckily..... he said he would forward me the details.

Chris

Upper, Kim

From: LaBelle, Sara
Sent: December 17, 2020 11:00 AM
To: Upper, Kim
Subject: RE: Peace Bridge Work Refusal for B-line

I will relay the information to Scott via email asap.

In addition, infrastructure just called and stated window and CCTV camera and IT will commence work on B line at 1600 today; work should take between 4 to 5 hours.

I'm just signing off on the SRCL's as I write this.

Thanks

sara

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 17, 2020 10:58 AM
To: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: FW: Peace Bridge Work Refusal for B-line

Sara- can you please share this information with the Labour officer, as requested by the Bridge authority. thanks

From: Ron Rienas <rr@peacebridge.com>
Sent: December 17, 2020 10:56 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Subject: Peace Bridge Work Refusal for B-line

Kim,

As we have discussed, see below. I will forward the details when I get them.

Ron Rienas
General Manager
Buffalo & Fort Erie Public Bridge Authority

100 Queen Street, Fort Erie, ON L2A 3S6 | 1 Peace Bridge Plaza, Buffalo, NY 14213
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Sent: Thursday, December 17, 2020 10:48 AM
To: Thomas A. Boyle Danielle McCaffery
Cc: Ron Rienas <rr@peacebridge.com>
Subject: RE: Work Refusal for B-line - CBSA solution

Good morning,

Just off the phone with Mike Smith from NITTEC and he told me there was a collision Monday night directly resulting from tractor-trailers backed up on the I-190. Nothing too serious luckily..... he said he would forward me the details.

Chris

Upper, Kim

From: Berardi, Dave
Sent: December 17, 2020 10:45 AM
To: Upper, Kim; Durocher, Christine
Subject: RE: work refusal update- Dec 16

This is actually consistent with the layout of new Hi-Lo booths that we are installing. The Lo is at the front of the booth and the officers enter from the Lo end

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 17, 2020 10:39 AM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

Yes, there is one other difference- the door is in the front of the booth in B line, where the other PILs- the door is at the back of the booth. Although this wasn't the reason for the refusal, it was apparently brought up by the employees to the Labour officer.

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 17, 2020 10:30 AM
To: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

Question—with the changes made—is there anything else that makes it different from a regular pil booth?

From: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Sent: December 17, 2020 10:24 AM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Cc: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

We just finished with legal
 it is our decision to make from a policy perspective.
 So we are good to proceed.

Jodi spoke to Tom Boyle-PBA and they have given us approval to proceed with the work but he had some questions.
 Why was the booth opened yesterday?
 Will this resolve the issue? etc...etc...
 I just spoke to Kim and I suggest that it may be prudent to reach out to the o/o to explain what is happening re:
 operational response to the issue/OHS process, mitigating measures etc...

There is a risk that the labour officer ruling and any direction they provide may require further action.
 I cannot predict where that might lead but if there are further infrastructure changes required it will reignite this whole
 discussion of funding responsibility again.

I have given Jodi the confirmation to proceed, she will work with local ops to coordinate the work

Thanks
Dave

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 17, 2020 10:06 AM
To: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Cc: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

Thanks Dave

From: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Sent: December 17, 2020 9:10 AM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Cc: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

Contractors have been instructed that we will advise by noon today if we intend to cancel.

We meet with legal at 9:30.
Let me know what HQ HR OHS says re: Labour

We will plan to move forward unless I hear otherwise

Thx
Dave

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 17, 2020 8:36 AM
To: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Cc: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Subject: Re: work refusal update- Dec 16

Personally I say we proceed.

Sent from my iPhone

On Dec 17, 2020, at 7:39 AM, Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca> wrote:

Ok thx
We will need to decide whether to proceed with scheduling the work or deferring?

Our meeting with legal is at 9:30

Sent from my iPhone

On Dec 16, 2020, at 9:07 PM, Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca> wrote:

Hi All,

Supt Adriana met with 2 members of the OHS committee. She asked for clarification that if the window was switched to open from right to left and the computers were moved to the opposite counter so the officers were facing the on coming traffic, if that would satisfy their concerns.

They advised that they would like the work refusal to continue until a decision is rendered.

When pressed on whether those two changes would remove the danger, they said that thought it would however, they maintained that they would not withdraw their refusal and want an official ruling.

Adriana thinks that the officers believe the ruling may have a series of required changes for the employer. They made statements that they have come this far and want to see it through.

Adriana also made me aware that the labour officer asked management today for information regarding the number of armed and dangerous encounters on PIL as well as impaired drivers on PIL.

Perhaps tmro we should consider contacting Labour with our proposal ... but we can speak with HR, Luc Charon, for his advice on that.

This definitely isn't the outcome I expected, nor do I feel it is reasonable, but it is their stated position.

I think you have ESP Dave.... good suggestion to double check.

Let's talk in the morning regarding the best way forward.

Thanks,

Kim

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Berardi, Dave" <Dave.Berardi@cbsa-asfc.gc.ca>

Date: 2020-12-16 7:04 p.m. (GMT-05:00)

To: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>

Cc: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>, "Taylor, Carrie" <Carrie.Taylor@cbsa-asfc.gc.ca>, "Risk, Julie" <Julie.Risk@cbsa-asfc.gc.ca>

Subject: Re: work refusal update- Dec 16

No concerns

Just make sure they understand that it is still pending approval

Sent from my iPhone

On Dec 16, 2020, at 6:44 PM, Durocher, Christine
<Christine.Durocher@cbsa-asfc.gc.ca> wrote:

Yes—please!

Dave..no concerns if we start that tonight?

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 16, 2020 6:22 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

I don't have any concerns.

To confirm- you would like us to engage the OHS committee and outline the proposal of switching the window and moving the computer equipment to the opposite counter tonite? To ensure that would address their complaint.... do I have the correct?

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>
Date: 2020-12-16 5:53 p.m. (GMT-05:00)
To: "Berardi, Dave" <Dave.Berardi@cbsa-asfc.gc.ca>, "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>, "Taylor, Carrie" <Carrie.Taylor@cbsa-asfc.gc.ca>, "Risk, Julie" <Julie.Risk@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

Kim—any concerns and are you able to start the engagement tonight?

From: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Sent: December 16, 2020 5:51 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

So it looks like we are not going to be able to connect with legal until tomorrow., we have a call scheduled at 9:30
Scott and I have conveyed the urgency and the views of the EVP

I am going to suggest we risk manage it because if we don't put the wheels in motion this will slip into next week. We had to put some pressure on the contractors to help us out.

Jodi has the contractors tentatively lined up for late afternoon tomorrow. She is going to confirm with them by noon tomorrow. She will contact procurement as well to get everything squared away, we have already been in touch with the CCTV group in HQ to get their approval.

Jodi has been in touch with Danielle from PBA and she knows we are looking into some options to address this. She will follow up in the morning, I asked her to try and keep this at the working level. I don't think PBA will care as long as we are not asking them to pay for anything.

I think you can go ahead and engage local OHS and let them know what is being proposed and that approvals are pending and contractors are being coordinated. We need that confirmation from them that this would resolve the issue to their satisfaction.

I would recommend that we wait until we check off a couple of the items above in the morning before we formally proceed to engage Labour.

To Julie B's point if additional direction comes from the HSO we will deal with it accordingly.

Let me know if this works and or if we need to discuss
I can be reached at 905 329 1560

Thx
Dave

From: Berardi, Dave
Sent: December 16, 2020 5:00 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Subject: RE: work refusal update- Dec 16

I am just checking with Scott to see how he wants to close the loop with legal
Stand by

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 16, 2020 4:57 PM
To: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Upper, Kim

<Kim.Upper@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>

Subject: RE: work refusal update- Dec 16

Thanks Dave—please let us know if there are any concerns with us starting to engage OHS now and then follow-up with Labour. (I know you may still need to reach out to PBT).

C

From: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>

Sent: December 16, 2020 4:01 PM

To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>

Subject: RE: work refusal update- Dec 16

Hello All

Attached is an email that I just sent to VPO/IM for Scott and VP Moor.

Proposed way forward,
-S6 policy cover for CBSA to pay for the work
-Dist mgmt. will need to confirm with local OHS that changes address concerns and will result in withdrawal of the work refusal
-SOR INF will engage PBA to allow the work to be completed and coordinate (it is their property)
-contractors quotes have been received and to be scheduled
-tentative plan is to initiate tomorrow late afternoon (subject to contractors availability)

I will be on the IM call if there any questions or concerns

Thanks

Dave

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>

Sent: December 16, 2020 3:50 PM

To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>

Subject: work refusal update- Dec 16

Good Afternoon,

Please see operational update below regarding the on going work refusal at Peace Bridge Commercial.

- The work refusal is currently being investigated by Labour Canada. Consultation with all local parties had occurred on Tuesday December 15th and Labour Canada has advised they

may render a decision by EOD Friday December 18th or Monday December 21st.

- All available commercially trained BSO's in the Fort Erie District were advised of the reasons for the work refusal and asked if 1- they would work B line and 2- if a second officer was placed in the booth to maintain line of sight, would they work in B line. To date, 34 BSO's have refused (all that have been asked).
- As of 12:45hrs December 16th, B line is being operated by management. This coverage can be maintained
Additionally, B line coverage is being arranged for Thursday Dec 17 and Friday Dec 18 1200x 2300 hours (with managers).

- HRB- Senior OHS Advisor advised that making the changes in the inspection booth, in consultation with OHS, could result in the withdrawal of the work refusal.
- OHS briefing occurred to advise managers would be opening B line. Further consultation with OHS required for contingency plans- once viability is determined.

Please let me know if you require anything further.

Thank you,

Kim Upper

A/Director, Fort Erie District

Canada Border Services Agency / Government of Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie

Agence des services frontaliers du Canada / Gouvernement du Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

Upper, Kim

From: LaBelle, Sara
Sent: December 17, 2020 08:24 AM
To: Upper, Kim; Ryan, Joe
Cc: Lafferty, Daniel; Vanderklei, Craig
Subject: RE: work refusal update- follow up required

Hi everyone,

I just had a discussion with Luc Charron in regards to the events of last night and on-going work refusal. His guidance was as follows :

- The work refusal will continue until the labour investigator makes a ruling of danger or no danger
- The employees are appearing unreasonable as the employer has provided viable options to their claim of danger(ex.2 officers on the line, and the proposed window/desk changes)
- He is unsure as to why the labour investigator is taking this long to render a decision
- His recommendation is for the employer to reach out to the labour investigator and explain all solutions that have been proposed thus far, as well as the apparent unreasonableness of the employees to return to work; however, he also did say, that until a ruling actually takes place, the work refusal is still on-going/valid and the employees can refuse to work, until a ruling is made
- He also recommended going forward with rectifying the window and desk changes, as that is reasonable and should probably be done anyhow, regardless of the ruling, as he believes it is contrary to the ENF manual and/or processing manual as employees should be facing towards traffic for primary processing(however, he doesn't feel that's because there's a danger issue, it's a processing issue)

I will touch base with Scott(the investigator) and inform him of the recent events and proposals, just to ensure he is aware of the employer's position at this time.

I will let you know what comes from that discussion.

Thanks

sara

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 17, 2020 8:02 AM
To: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>; Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: Lafferty, Daniel <Daniel.Lafferty@cbsa-asfc.gc.ca>; Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>
Subject: work refusal update- follow up required
Importance: High

Good morning Sara,

The OHS meeting did not go as expected last night. Adriana met with Hornyk and Hodges. They advised that they wanted to see the work refusal through.....even though they did concur that what was being proposed would remove the stated danger. Adriana believes they think several recommendations will come from the labour officers.

Can you please reach out to Luc Charon in HQ- HRB and advise him of the attempt to confirm with OHS that: - if the window is switched around so it opens from right to left and the computer is moved to the opposite counter so the officer faces the approaching trucks, **does that satisfy their concerns.**

Advise Luc that we were seeking confirmation to ensure this is satisfactory while we await the approvals, and subsequently move ahead with the changes once approved. It seems unreasonable to me that they can state that yes, they believed it addressed that specific concern, but would not withdraw the refusal once the changes were completed. They felt "they have come this far" ... they want the process to continue. Please seek Luc's advice and guidance on any next steps. ... should we just proceed with the changes? Should we contact the Labour Officer and advise him of the meeting with OHS last night? Should we wait for a ruling until we do anything?

Please attempt to get these answers as soon as you are able. Thanks Sara

Kim Upper

A/Director, Fort Erie District

Canada Border Services Agency / Government of Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie

Agence des services frontaliers du Canada / Gouvernement du Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

Upper, Kim

From: Pilato, Adriana
Sent: December 16, 2020 08:56 PM
To: Upper, Kim
Subject: FW: Hazzard Assessment/ Hazzard Prevention Plan
Attachments: HPP Implementation Plan (PHSC) revised December 2020.docx; LC Direction Dec 4 2017.pdf

From: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Sent: December 15, 2020 5:08 PM
To: Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>
Cc: Adams, Jeremy <Jeremy.Adams@cbsa-asfc.gc.ca>; Payette, Arik <Arik.Payette@cbsa-asfc.gc.ca>
Subject: RE: Hazzard Assessment/ Hazzard Prevention Plan

Hi Adriana,

The CBSA current Job Hazard analysis (JHA) dates from 2003 and does not meet the requirements of regulation XIX, Hazard Prevention Program (HPP). We are in the progress of complying with a Direction (attached) issued to CBSA by the Labour Minister Delegate, Michelle Sterling to develop an implementation plan for the HPP that specifies the timeframe for which hazard assessments are to be completed. We had to revised the original plan to contracting issues and COVID-19 restrictions.

I will consult with my colleagues first thing in the morning to determine if we have any hazard assessment specific to Pill booth and will get back to you asap. In the mean time, feel free to share this information with the Health and Safety Officer.

Thank you,
Luc

From: Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>
Sent: December 15, 2020 4:26 PM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Subject: Hazzard Assessment/ Hazzard Prevention Plan

Hello Luc,

During our call with Labour officers/investigators this afternoon regarding the current work refusal at Peace Bridge Commercial, it was requested that I obtain any hazard assessment/ hazard prevention plan's for PIL booths within the CBSA. As the Senior OSH advisor I am hoping your expertise will be able to assist me with this requested information. Any information would be greatly appreciated.

Thank You,

Adriana Pilato
Superintendent, Operations Branch
Canada Border Services Agency / Government of Canada

Adriana.Pilato@cbsa-asfc.gc.ca / Tel: 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations

Agence des services frontaliers du Canada / Gouvernement du Canada

Adriana.Pilato@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237



IN THE MATTER OF THE *CANADA LABOUR CODE*
PART II – OCCUPATIONAL HEALTH AND SAFETY

DIRECTION TO THE EMPLOYER UNDER SUBSECTION 145(1)

On August 30, 2017, the undersigned Official Delegated by the Minister of Labour conducted an inquiry regarding an action plan that was provided in response to an Assurance of Voluntary Compliance that was received on June 25, 2014 in the work place operated by Canada Border Services Agency, being an employer subject to the *Canada Labour Code*, Part II, at 2500 Ouellette Avenue, Windsor, Ontario, N8X 1L4, the said work place being sometimes known as Customs Intelligence & Contraband (CBSA).

The said Official Delegated by the Minister of Labour is of the opinion that the following provisions of the *Canada Labour Code*, Part II, have been contravened:

No. / No : 1

Paragraph 125(1)(z.03) - *Canada Labour Code* Part II, Paragraph 19.2(1)(a) - *Canada Occupational Health & Safety Regulations*

The employer, in consultation with the policy committee, has not developed an implementation plan for the Hazard Prevention Program that specifies the timeframe for which hazard assessments are to be completed.

No. / No : 2

Paragraph 125(1)(z.03) - *Canada Labour Code* Part II, Section 19.4 - *Canada Occupational Health & Safety Regulations*

The employer, in consultation with the policy committee, has not assessed hazards in the work place, including ergonomic related hazards, for the position of Regional Intelligence Officer and Investigator in accordance with the methodology that was developed in the CBSA Hazard Prevention Program document.

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 145(1)(a) of the *Canada Labour Code*, Part II, to terminate the contraventions no later than **January 8, 2018**.

Further, you are HEREBY DIRECTED, pursuant to paragraph 145(1)(b) of the *Canada Labour Code*, Part II, no later than January 8, 2018, to take steps to ensure that the contravention does not continue or reoccur.

Issued at London, this 4th day of December, 2017.

Michelle Sterling, Official Delegated by the Minister of Labour
Senior Investigator
Id. No.: ON2637
National Toll Free: 1-800-641-4049
www.labour.gc.ca / www.travail.gc.ca

To: Canada Border Services Agency
2500 Ouellette Avenue
Windsor, Ontario
N8X 1L4



HAND DELIVERED

December 04, 2017

Site No.: SFTO0747
Assignment No.: MRXC00780

Canada Border Services Agency
2500 Ouellette Avenue
Windsor, Ontario
N8X 1L4

Attention: Joe McMahon – Acting Director

Dear Mr. McMahon:

On August 30, 2017, I contacted Vlad Simiganoschi at the work place located at 2500 Ouellette Avenue, Windsor, Ontario, N8X 1L4 for the purpose of conducting an inquiry.

Please be advised that pursuant to subsection 145(8) of the *Canada Labour Code*, Part II, you are required to inform me in writing, no later than **January 8, 2018** of the measures taken to comply with the attached direction, and to provide a copy of that written response to the work place health and safety committee and the policy health and safety committee, if one exists.

Also, please be advised that, pursuant to subsection 145(5) of the *Canada Labour Code*, Part II, the employer shall, without delay, cause a copy of this direction to be posted and give a copy of it to the work place health and safety committee and the policy health and safety committee, if one exists.

Finally, pursuant to subsection 146(1) of the *Canada Labour Code*, Part II, you may request, within thirty days of the date of the direction being issued or confirmed in writing, a review by the Occupational Health and Safety Tribunal Canada, who may be contacted at www.ohstc-tsstc.gc.ca. However, pursuant to subsection 146(2) of the *Canada Labour Code*, Part II, the request does not relieve you from complying with the direction unless otherwise ordered by a Tribunal appeals officer on application by the employer, employee or trade union.

Yours sincerely,

Michelle Sterling, Official Delegated by the Minister of Labour
Senior Investigator
Id. No.: ON2637
ESDC - Labour Program
457 Richmond Street, 5th Floor
London, ON N6A 3E3
Telephone Number: (519) 953-6191
Email Address: michelle.sterling@labour-travail.gc.ca
National Toll Free: 1-800-641-4049
www.labour.gc.ca / www.travail.gc.ca

Attachment

| Occupation | JHA Status | JHA Completion Target Date | Comments |
|--|--|----------------------------|---|
| Border Services Instructors (BSI) | No JHA | June 2020 | External JHA was conducted at the Rigaud Campus in July 2020 – will adapt to different Campus in the regions. (ongoing) |
| Laboratory Staff: Research /Radio Engineer / Scientist / X-Ray Technician / Technologist | JHA Completed in 2016 meets HPP requirements | N/A | Completed In House |
| Stores & Distribution Technicians / Warehouse Laborer / Armoury Attendant | No JHA | December 2018 | Completed In House |
| Attendant, Facilities Mgt & Fleet Attendant | No JHA | December 2018 | Completed In House |
| Driver – Niagara Falls(2) / Lacolle Commercial(1) | No JHA | December 2018 | Completed In House |
| Kennel Attendant | No JHA | December 2018 | Completed In House |
| Office Employees | No JHA | December 2018 | Completed In House |

Job Hazard Analysis Status and Completion Target Dates

| Occupation | JHA Status | JHA Completion Target Date | Comments |
|---|---|----------------------------|--|
| Border Services Officer (BSO) and Superintendent | | | |
| Air Mode - Traveller | JHA-1 outdated – no longer meets HPP requirements | November 2018 | External JHA process was completed at MCIA. Meeting was conducted with the Work Place Health and Safety Committee. This JHA will be considered as a model for other airports (ongoing) |
| Air Mode - Commercial | JHA-1 outdated – no longer meets HPP requirements | March 2022 | External JHA - Pearson International Airport |
| Land Borders – Traveler & Commercial | JHA-1 outdated – no longer meets HPP requirements | March 2022 | External JHA - Lansdowne Port of Entry |
| Marine Mode | JHA-1 outdated – no longer meets HPP requirements | September 2022 | External JHA - Halifax |
| Rail Mode - Traveler | JHA-1 outdated – no longer meets HPP requirements | September 2022 | External JHA - 7100 Tellier Street, Montréal |
| Rail Mode - Commercial | JHA-1 outdated – no longer meets HPP requirements | September 2022 | External JHA – Fort-Francis |
| Postal | JHA-1 outdated – no longer meets HPP requirements | March 2022 | External JHA - Léo Blanchette Mail Processing Center, Montréal |
| | | | |
| Customs Regional Intelligence Officer / Customs Investigator | JHA-2 outdated – no longer meets HPP requirements | December 2018 | External JHA was conducted at 2500 Ouellette (SOR). Will adapt/consider as a model for other locations/regions (ongoing) |
| | | | |
| Inland Enforcement Officers, Hearings Officers and Hearings Advisors | JHA-3 completed in 2009 – meets HPP requirements | N/A | JHA-3 |
| | | | |

Upper, Kim

From: Pilato, Adriana
Sent: December 16, 2020 08:56 PM
To: Upper, Kim
Subject: FW: Hazzard Assessment/ Hazzard Prevention Plan
Attachments: Primary Lanes General.pdf; Hazard Ranking Worksheet Nexus Primary Lanes.pdf; Hazard Ranking Worksheet Point Position.pdf; Hazard Ranking Worksheet Primary Lanes General.pdf; Nexus Primary Lanes.pdf; Point Position.pdf

From: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Sent: December 16, 2020 8:22 AM
To: Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>; Jack, Joshua <Joshua.Jack@cbsa-asfc.gc.ca>
Cc: Adams, Jeremy <Jeremy.Adams@cbsa-asfc.gc.ca>; Payette, Arik <Arik.Payette@cbsa-asfc.gc.ca>
Subject: RE: Hazzard Assessment/ Hazzard Prevention Plan

Good morning Adriana and Joshua,

Please find attached the hazard assessments that were conducted at the Douglas POE following the incident to be shared with the HSO. We do not have any other assessments, other than ergonomic assessments for PIL.

Thank you,
Luc

From: Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>
Sent: December 15, 2020 4:59 PM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Subject: FW: Hazzard Assessment/ Hazzard Prevention Plan

Can you please include Josh Rondinelli on your response to this email?

Thank You
Adriana

From: Pilato, Adriana
Sent: December 15, 2020 4:26 PM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Subject: Hazzard Assessment/ Hazzard Prevention Plan

Hello Luc,

During our call with Labour officers/investigators this afternoon regarding the current work refusal at Peace Bridge Commercial, it was requested that I obtain any hazard assessment/ hazard prevention plan's for PIL booths within the CBSA. As the Senior OSH advisor I am hoping your expertise will be able to assist me with this requested information. Any information would be greatly appreciated.

Thank You,

Adriana Pilato

Superintendent, Operations Branch

Canada Border Services Agency / Government of Canada

Adriana.Pilato@cbsa-asfc.gc.ca / Tel: 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations

Agence des services frontaliers du Canada / Gouvernement du Canada

Adriana.Pilato@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

Hazard Prevention Program – Job Hazard Analysis Worksheet – General Traffic Primary Lanes Douglas POE

| Job | | | Hazard | | Existing Hazard Controls (Step 4) | | |
|-----|-----------------------|--|-------------------------------|--------------------------|--------------------------------------|----------------------|-------------------------------------|
| No. | Activity/ Job | Task (Step 1) | Potential Hazards (Step 2) | Hazard Group (Step 3) | Administrative | Engineering Controls | Personal Protective Equipment |
| 1. | Primary Inspection | Assess approaching vehicle | | | | | |
| 2. | Primary Inspection | Review licence plate reader image | | | | | |
| 3. | Primary Inspection | Interact with occupants of vehicle – Begin primary questioning | | | | | |
| 4. | Primary Inspection | Review and scan all occupants identification/passports | | | | | |

Updated November 25, 2015

| | | |
|----|--------------------|--|
| 5. | Primary Inspection | Determine admissibility of persons and goods |
| 6. | Primary Inspection | Release or refer vehicle and clients |
| 7. | Primary Inspection | Radio call to point officer advising of referral |
| 8. | Primary Inspection | Approach stopped or parked vehicles pre-primary |
| 9. | Primary Inspection | Conduct impaired driving investigations and administer ASD |

Updated November 25, 2015

| | | |
|-----|--------------------|---|
| 10. | Primary Inspection | Conduct cursory Secondary verification through trunk examinations (trunk pops) |
| 11. | Primary Inspection | Exit primary booth to see temporary license plates or to make plate correction of misread plates |
| 12. | Primary Inspection | Intercept and deal with persons identified as armed and dangerous/wanted |
| 13. | Primary Inspection | Opening and closing lane – Opening and closing gate |
| 14. | Primary Inspection | Operate foot pedal and/or hand button for traffic control lights |
| 15. | Primary Inspection | Open door, & windows. |

Updated November 25, 2015



Hazard Prevention Program – Hazard Ranking Worksheet Nexus Primary Lanes Douglas POE

| | | (Column A) Hazard | | (Column B) Probability | | (Column C) Hazard Level | | | |
|-----|--------------------------|--|--------------------|------------------------|------------------------|-------------------------|----------------------|-----------------------------|--|
| No. | Activity | Task (Step 1) | Hazard (Step 2) | Frequency (Step 5) | Likelihood (Step 6) | Probability (Step 7) | Severity (Step 8) | Hazard Level (Step 9) | Action Plan Required (Y/N) Comments |
| 1. | Nexus Primary Inspection | Assess approaching vehicle | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 2. | Nexus Primary Inspection | Review licence plate reader image | | | | | | | |
| 3. | Nexus Primary Inspection | Review and confirm membership photo(s) with occupant(s) of vehicle | | | | | | | |
| 4. | Nexus Primary Inspection | Interact with occupants of vehicle – begin primary questioning | | | | | | | |
| | | | | | | | | | |



| | | |
|----|--------------------------|---|
| | | |
| | | |
| | | |
| 5. | Nexus Primary Inspection | Determine admissibility of persons and goods |
| | | |
| 6. | Nexus Primary Inspection | Release or refer vehicle and clients |
| | | |
| 7. | Nexus Primary Inspection | Approach stopped or parked vehicles pre-primary |
| | | |
| | | |
| | | |
| | | |



| | | |
|-----|--------------------------|---|
| | | |
| 8. | Nexus Primary Inspection | Monitor and interact with clients observed on adjacent roadway to ensure those requiring to report in do so |
| | | |
| | | |
| | | |
| 9. | Nexus Primary Inspection | Open door & window |
| 10. | Nexus Primary Inspection | Operate foot pedal and/or hand button for traffic control lights |
| 11. | Nexus Primary Inspection | Intercept and deal with persons identified as armed and dangerous / wanted |
| 12. | Nexus Primary Inspection | Opening and closing lane (gate) |



| | | |
|-----|--------------------------|--|
| 13. | Nexus Primary Inspection | Conduct impaired driving investigations and administer ASD |
| 14. | Nexus Primary Inspection | Conduct cursory secondary verification through trunk examinations |
| 15. | Nexus Primary Inspection | Exit primary booth to see temporary license plates or to make plate correction of misread plates |
| 15. | Nexus Primary Inspection | Open door & window |
| | | |



Hazard Prevention Program – Hazard Ranking Worksheet Point Position Douglas POE

| | | (Column A) Hazard | | (Column B) Probability | | (Column C) Hazard Level | | | |
|-----|----------|---|--------------------|------------------------|------------------------|-------------------------|----------------------|-----------------------------|--|
| No. | Activity | Task (Step 1) | Hazard (Step 2) | Frequency (Step 5) | Likelihood (Step 6) | Probability (Step 7) | Severity (Step 8) | Hazard Level (Step 9) | Action Plan Required (Y/N) Comments |
| 1. | Point | Assess approaching vehicle | | | | | | | |
| 2. | Point | Review E67 referral document and direct clients where to park | | | | | | | |
| 3. | Point | Ensure that all occupants exit the vehicle and report in the general office | | | | | | | |
| 4. | Point | Direct vehicles and clients identified as high risk to the "Code 5" high risk parking spot. | | | | | | | |
| | | | | | | | | | |



| | | |
|-----|-------|--|
| | | |
| 5. | Point | Maintain operational oversight of the secondary area |
| 6. | Point | Release vehicles and clients after examination concluded |
| 7. | Point | Interact with all persons coming from within Canada for border services |
| 8. | Point | Maintain over watch of adjacent Provincial Park |
| | | |
| 9. | Point | Attempt to gather information by observation of port runners both on north and south bound lanes |
| 10. | Point | Maintain over watch of adjacent duty free store |
| 11. | Point | Coordinate emergency response vehicles (fire, |

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| | | |
|-----|-------|--|
| | | ambulance, police) on where to park where issue is |
| 12. | Point | Receive deliveries |



Hazard Prevention Program – Hazard Ranking Worksheet General Traffic Primary Lanes Douglas POE

| | | (Column A) Hazard | | (Column B) Probability | | (Column C) Hazard Level | | | |
|-----|--------------------|--|--------------------|------------------------|------------------------|-------------------------|----------------------|-----------------------------|--|
| No. | Activity | Task (Step 1) | Hazard (Step 2) | Frequency (Step 5) | Likelihood (Step 6) | Probability (Step 7) | Severity (Step 8) | Hazard Level (Step 9) | Action Plan Required (Y/N) Comments |
| 1. | Primary Inspection | Assess approaching vehicle | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 2. | Primary Inspection | Review licence plate reader image | | | | | | | |
| 3. | Primary Inspection | Interact with occupants of vehicle – begin primary questioning | | | | | | | |
| | | | | | | | | | |
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| | | |
| 4. | Primary Inspection | Review and scan all occupants ID and passports |
| | | |
| 5. | Primary Inspection | Determine admissibility of persons and goods |
| | | |
| 6. | Primary Inspection | Release or refer vehicle and clients |
| | | |
| 7. | Primary Inspection | Radio call to point officer advising of referral |
| 8. | Primary Inspection | Approach stopped or parked vehicles pre-primary |
| | | |
| | | |



| | | |
|-----|--------------------|--|
| | | |
| | | |
| | | |
| 9. | Primary Inspection | Conduct impaired driving investigations and administer ASD |
| | | |
| 10. | Primary Inspection | Conduct cursory secondary verification through trunk examinations |
| | | |
| | | |
| 11. | Primary Inspection | Exit primary booth to see temporary license plates or to make plate correction of misread plates |
| 12. | Primary Inspection | Intercept and deal with persons identified as armed and dangerous / |

CBSA ASFC

| | | |
|-----|--------------------|--|
| | | wanted |
| | | |
| | | |
| 13. | Primary Inspection | Opening and closing lane (gate) |
| 14. | Primary Inspection | Operate foot pedal and/or hand button for traffic control lights |
| | | |
| 15. | Primary Inspection | Open door & window |
| | | |

Hazard Prevention Program – Job Hazard Analysis Worksheet – Nexus Primary Lanes Douglas POE

| Job | | | Hazard | | Existing Hazard Controls (Step 4) | | |
|-----|--------------------------------|--|-------------------------------|--------------------------|--------------------------------------|----------------------|-------------------------------------|
| No. | Activity/ Job | Task (Step 1) | Potential Hazards (Step 2) | Hazard Group (Step 3) | Administrative | Engineering Controls | Personal Protective Equipment |
| 1. | Nexus Primary Inspection | Assess approaching vehicle | | | | | |
| 2. | Nexus Primary Inspection | Review licence plate reader image | | | | | |
| 3. | Nexus Primary Inspection | Review and confirm membership photo(s) with occupant(s) of vehicle | | | | | |
| 4. | Nexus Primary Inspection | Interact with occupants of vehicle – Prompt declaration | | | | | |

Updated November 25, 2015

| | | |
|----|--------------------------------|---|
| 5. | Nexus Primary Inspection | Determine admissibility of persons and goods |
| 6. | Nexus Primary Inspection | Release or refer vehicle and clients |
| 7. | Nexus Primary Inspection | Approach stopped or parked vehicles pre- primary |
| 8. | Nexus Primary Inspection | Monitor and interact with clients observed on adjacent roadway to ensure those requiring to report in do so |
| 9. | Nexus Primary Inspection | Open door, & windows. |

Updated November 25, 2015

| | | |
|-----|--------------------------------|---|
| 10. | Nexus Primary Inspection | Operate foot pedal and/or hand button for traffic control lights |
| 11. | Nexus Primary Inspection | Intercept and deal with persons identified as armed and dangerous/wanted |
| 12. | Nexus Primary Inspection | Opening and closing lane – Opening and closing gate |
| 13. | Nexus Primary Inspection | Conduct impaired driving investigations and administer ASD |
| 14. | Nexus Primary Inspection | Conduct cursory Secondary verification through trunk examinations (trunk pops) |
| 15. | Nexus Primary Inspection | Exit primary booth to see temporary license plates or to make plate correction of misread plates |

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Hazard Prevention Program – Job Hazard Analysis Worksheet – Point Position Douglas POE

| Job | | | Hazard | | Existing Hazard Controls (Step 4) | | |
|-----|------------------|--|-------------------------------|--------------------------|--------------------------------------|----------------------|-------------------------------------|
| No. | Activity/ Job | Task (Step 1) | Potential Hazards (Step 2) | Hazard Group (Step 3) | Administrative | Engineering Controls | Personal Protective Equipment |
| 1. | Point | Assess approaching vehicles | | | | | |
| 2. | Point | Review E67 referral document and direct clients where to park | | | | | |
| 3. | Point | Ensure that all occupants exit the vehicle and report in the general office | | | | | |
| 4. | Point | Direct vehicles and clients identified as high risk to the "Code 5" high risk parking spot | | | | | |
| 5. | Point | Maintain operational oversight of the secondary area | | | | | |

Updated November 25, 2015

| | | |
|-----|-------|--|
| 6. | Point | Release vehicles and clients after examination concluded |
| 7. | Point | Interact with all persons coming from within Canada for border services |
| 8. | Point | Maintain over watch of adjacent Provincial Park |
| 9. | Point | Radio calls alerting to issues and situations in Secondary Area |
| 10. | Point | Attempt to gather information by observation of port runners both on north and south bound lanes |
| 11. | Point | Maintain over watch of adjacent duty free store |
| 12. | Point | Coordinate emergency response vehicles (fire, ambulance, police) on where to park where issue is |

Updated November 25, 2015

| | | | |
|-----|-------|--------------------|--|
| 13. | Point | Receive deliveries | |
|-----|-------|--------------------|--|

Updated November 25, 2015

Upper, Kim

From: Berardi, Dave
Sent: December 16, 2020 03:22 PM
To: Upper, Kim
Subject: Re: sample- work in progress

Sorry just getting to this now

You should add something about the advice from HR about making the change in consultation with OHS which could result in withdrawal of the work refusal

Sent from my iPhone

On Dec 16, 2020, at 2:46 PM, Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca> wrote:

Good Afternoon,

Please see operational update below regarding the on going work refusal at Peace Bridge Commercial.

- The work refusal is currently being investigated by Labour Canada. Consultation with all local parties had occurred on Tuesday December 15th and Labour Canada has advised they may render a decision by EOD Friday December 18th or Monday December 21st.
- All available commercially trained BSO's in the Fort Erie District were advised of the reasons for the work refusal and asked if 1- they would work B line and 2- if a second officer was placed in the booth to maintain line of sight, would they work in B line. To date, 34 BSO's have refused (all that have been asked).
- As of 12:45hrs December 16th, B line is being operated by management. This coverage can be maintained. Additionally, B line coverage is being arranged for Thursday Dec 17 and Friday Dec 18 1200x 2300 hours (with managers).
- OSH briefing occurred to advise managers would be opening B line. Further consultation with OSH required for contingency plans- once viability is determined.

Anything you think I am missing Dave?

Upper, Kim

From: Border Operations Centre / Centre des Operations Frontalières (CBSA/ASFC)
Sent: December 16, 2020 01:29 PM
To: CBSA-ASFC-Dist_IRC_LR; CBSA-ASFC-DIST_SOR_Dist_DIR/Dir_dist; CBSA.O Commercial-DE / Commercial-ES O.ASFC
Cc: Border Operations Centre / Centre des Operations Frontalières (CBSA/ASFC)
Subject: Update 4: Labour Relations - Work Refusal at Peace Bridge Commercial - S1032605

Border Operations Centre (BOC) UPDATE 4 Significant Event: S1032605

Update 4 – On December 16, 2020, the labour ministry investigator continues to be engaged and has advised that he is still currently reviewing reports and will provide further direction as soon as possible. The ETA for that is currently unknown and the work refusal continues. Port Superintendents are being utilized to process trucks through B-line, effective at 1245 ET, and will continue for as long as operationally feasible and/or required. The border wait time is currently at 30 minutes. The duty Chief(s) and Managers are actively engaged and monitoring the operation.

Update 3 – On December 14, 2020, at 1930 ET, the BOC was advised that the Labour Minister was contacted. The reports will be further reviewed and consulted with the Peace Bridge manager. Further direction will be given on Tuesday, December 15, 2020 . Work refusal is continuing.

Update 2 – On December 14, 2020, at 1737 ET, the BOC was advised that second level investigation report has been completed, and work refusal continues. No agreement between OSH committee and employer of No danger finding at the conclusion of second level investigation. Contact is being made with OSH HQ to advise. Proceeding to third level and contact with Labour Minister for a ruling.

Update – On December 14, 2020, at 1617 ET, the Border Operations Centre (BOC) was advised that Investigation at level one resulted in a finding of no danger, with a gap in process. Employees rejected the finding of no danger and have continued with the work refusal proceeding to level two investigation with Operational Health and Safety (OSH) committee. Commercial traffic is starting to build, as they are only able to open four of five primary lanes due to work refusal, however, there are no Border Wait Times (BWT) at this time. Updates to follow after level two investigation is completed.

Synopsis – On December 14, 2020, 18 border services officers (BSOs) have refused to operate “B” primary inspection line (PIL) at Peace Bridge Commercial Operations, citing a danger to their health and safety when operating the primary line. The configuration of this commercial booth is set up that the BSO's back is to oncoming traffic when they are working on the computer.

Impact – No operational impact has been reported.

CBSA Action/Next Steps – Traffic volumes are low and BSOs are operating the other four PIL booths. The BOC will continue to monitor and provide updates as they become available.

Source – Sara LaBelle – A/Chief of Operations – Southern Ontario Region.

This notification was provided on behalf of Human Resources Branch Duty Executive Natacha Prudent.

Duty executives are to inform appropriate units within their branch or region.

This information is classified Protected A and only for distribution internal to the CBSA. If you have any questions or follow up requests for detailed information, please contact the Border Operations Centre at

*Les cadres de service doivent informer les secteurs appropriés de leur direction générale ou région.
Cette information est classifiée Protégé A et exclusivement réservée à une distribution interne à l'ASFC. Si vous avez des questions ou si vous voulez qu'un suivi plus détaillé vous soit fourni, veuillez contacter le Centre des opérations frontalières au :*

Upper, Kim

From: Durocher, Christine
Sent: December 16, 2020 01:26 PM
To: Upper, Kim
Subject: RE: Update #4- work refusal

Ok thanks—was that made clear to LC? I really don't see the imminent danger—just want to ensure we clearly articulate it.

C

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 16, 2020 1:23 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Subject: RE: Update #4- work refusal

Just when using the systems.... Otherwise they can turn around and face the on coming truck, and/or driver in the window.

Fyi- line is now open- staffed with management.

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 16, 2020 1:21 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: RE: Update #4- work refusal

Thanks Kim—will try and give you a call between meetings—is their back to trucks at all times OR just when clearing on the computer?

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 15, 2020 8:04 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Subject: RE: Update #4- work refusal

They claim that their backs face the approaching trucks... they don't have a line of sight on the occupants of the vehicles. And when working in the system, they can not see the occupants. They brought up the incident in BC. So they believe that is a serious threat to their life or health.

I will be very surprised if it is ruled a danger.... but I can see them providing recommendations (if they do that).

Feel free to call me if you want to chat about it.... i am available 905 658 8949.

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>
Date: 2020-12-15 7:46 p.m. (GMT-05:00)
To: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>
Subject: Re: Update #4- work refusal

But what part?

Sent from my iPhone

On Dec 15, 2020, at 7:12 PM, Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca> wrote:

I provided the specific reference because they are focused on the "OR" in the definition.... they believe it to be a serious threat to the life or health of a person exposed to it... .

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>
Date: 2020-12-15 6:59 p.m. (GMT-05:00)
To: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>, "Taylor, Carrie" <Carrie.Taylor@cbsa-asfc.gc.ca>, "Berardi, Dave" <Dave.Berardi@cbsa-asfc.gc.ca>
Cc: "Risk, Julie" <Julie.Risk@cbsa-asfc.gc.ca>, "Walters, Jeff" <Jeff.Walters@cbsa-asfc.gc.ca>
Subject: RE: Update #4- work refusal

I'm not looking for the reference—I'm looking for what they advise is the imminent danger in the booth—they need to be able to articulate that.

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 15, 2020 6:57 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Cc: Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; Walters, Jeff <Jeff.Walters@cbsa-asfc.gc.ca>
Subject: RE: Update #4- work refusal

Ok, thanks.

CLC -II, Section 122 states:

"Danger" means any hazard, condition or activity that could reasonably be expected to be an imminent OR serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.

They are referencing the second part of the definition....

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>
Date: 2020-12-15 6:36 p.m. (GMT-05:00)
To: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>, "Taylor, Carrie" <Carrie.Taylor@cbsa-asfc.gc.ca>, "Berardi, Dave" <Dave.Berardi@cbsa-asfc.gc.ca>
Cc: "Risk, Julie" <Julie.Risk@cbsa-asfc.gc.ca>, "Walters, Jeff" <Jeff.Walters@cbsa-asfc.gc.ca>
Subject: RE: Update #4- work refusal

Hi Kim,

For the interim, I am fine to have mgmt work the line to mitigate the wait-times (but only after all have refused).

I am still not understanding though, what is being articulated as the imminent danger....your clarity is appreciated.

Christine

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 15, 2020 6:33 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Cc: Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; Walters, Jeff <Jeff.Walters@cbsa-asfc.gc.ca>
Subject: RE: Update #4- work refusal

Hi Christine.... we are approaching 60 minutes.
Officers and management did not agree on the danger determination. Including its imminent nature.

Niagara Glass was on site at the end of the day... they believe the window can be switched... to open the opposite way. They are working on providing that quote to infrastructure. It is possible that we can have required changes pretty quickly... i have asked Joe Ryan to contact HQ about making the required changes before the danger decision is rendered.

I spoke with Jeff later in the day to seek management assistance if required. He is willing to provide whatever help we need.
Mgmt is attempting to staff the line with BSOs .. however mgmt is required to advise them of the current work refusal and the reasons why. We anticipate all the BSOs will concur and therefore not work B line.

I have asked chiefs to canvass supts to see who is able to work PIL and to start acquiring system access for those individuals if we decide to go that route.

I would appreciate your recommendation on if that is the route we should take. We would also be required to advise mgmt of the work refusal as well.

If there is anything else I should be considering, please let me know!

Thanks
Kim

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>
Date: 2020-12-15 6:02 p.m. (GMT-05:00)
To: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>, "Taylor, Carrie" <Carrie.Taylor@cbsa-asfc.gc.ca>, "Berardi, Dave" <Dave.Berardi@cbsa-asfc.gc.ca>
Cc: "Risk, Julie" <Julie.Risk@cbsa-asfc.gc.ca>, "Walters, Jeff" <Jeff.Walters@cbsa-asfc.gc.ca>
Subject: RE: Update #4- work refusal

Hi Kim,

Thank you for the update—what are the currently volumes tonight?

Are there any interim measures that are being considered—what was the imminent danger that was identified?

Christine

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 15, 2020 3:31 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Cc: Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; Walters, Jeff <Jeff.Walters@cbsa-asfc.gc.ca>
Subject: Update #4- work refusal

Good Afternoon,

The 1400 hrs conference call with the BSO, OSH rep, management has concluded. The labour officer has requested a couple of more items:

- A complete list of the BSO's who refused
- A hazardous assessment analysis of the Primary Inspection Line (National)- being sought through OSH HQ group.

They have advised that a decision will most likely be provided by **EOD on Friday, however, could be as late as Monday December 21st**. They have advised that we must notify other employees of the current work refusal if we ask them to report to Bravo line and officers can make a decision of whether or not they consider it dangerous.

| | |
|--|--------------|
| Proposal: | Offer |
| Overtime shifts and have managers to relieve each other each hour. Would probably need coverage 1400hrs- 2200hrs Wed/Thurs/Fri | |
| Off the top of my head, I can think of the following managers who have commercial PIL processing experience: | |

- Adriana Pilato
- Kyle McArthur
- Randy House
- Mike House
- Brad Maurich (NFD)
- Kyle Ferdinand (NFD)
- Andrew Felice (NFD)
- Michelle Godzisz (NFD)
- Michael Prosia (CPSD)

Let me know what you think? Is this a viable option?

Kim Upper

A/Director, Fort Erie District

Canada Border Services Agency / Government of Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie

Agence des services frontaliers du Canada / Gouvernement du Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

Upper, Kim

From: Ryan, Joe
Sent: December 16, 2020 12:30 PM
To: Upper, Kim
Subject: RE: Booth changes

correct

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 16, 2020 12:25 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: RE: Booth changes

Ahh, ok... and that came from Luc ?

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 16, 2020 12:22 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: RE: Booth changes

In regards to your earlier question – we would inform Labour and the OSH committee of the proposed changes and have them approved by our local OSH once the local OSH agrees, contact Labour to advise of local decision and the end of work refusal

Regards

Joe

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 16, 2020 12:18 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: RE: Vukmanic

Excellent thanks.... Lets get it opened asap...!

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 16, 2020 12:17 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: Vukmanic

Hello Kim,

Supt Vukmanic is good to go

He has been briefed fully and is willing to assist Mike House on a refresher

Anticipate being up and running by 1300 if not before

Regards

Joe

Chief, Operations Branch
Canada Border Services Agency / Government of Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tel. : 905-994-6309

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Agence des services frontaliers du Canada / Gouvernement du Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309

Upper, Kim

From: Berardi, Dave
Sent: December 16, 2020 12:04 PM
To: Upper, Kim
Subject: RE: Follow up: EVP Call - December 15, 2020

Follow up question
Has there been an Issue Fact Sheet or briefing initiated on this incident?

From: Berardi, Dave
Sent: December 16, 2020 12:00 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: RE: Follow up: EVP Call - December 15, 2020

Hi
I will respond on the Infra options.
Have you received advice from HR on impact/coordination with the CLC process underway?

Thanks
Dave

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 16, 2020 11:57 AM
To: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Subject: FW: Follow up: EVP Call - December 15, 2020
Importance: High

Hi Dave,
We are going to open B line this afternoon with managers. They are also working on securing resources for the rest of this week. Is it safe to assume that you will be reporting up on the infrastructure piece, or would you like me to follow up with Jodi? Don't want to overstep...but don't want to miss anything.

thanks

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 16, 2020 11:34 AM
To: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Subject: FW: Follow up: EVP Call - December 15, 2020
Importance: High

Good morning,

I will need an update by 4pm on where we stand with the refusal and future solutions—as you can see below it will be discussed again on issues mgmt.

Chris

From: Gunn, Rebecca <Rebecca.Gunn@cbsa-asfc.gc.ca>
Sent: December 16, 2020 11:12 AM
To: Brown, Nicholas <Nicholas.Brown@cbsa-asfc.gc.ca>
Cc: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Prosia, Michael <Michael.Prosia@cbsa-asfc.gc.ca>; Klodt, Tim <Tim.Klodt@cbsa-asfc.gc.ca>; Quinn, Robyn <Robyn.Quinn@cbsa-asfc.gc.ca>; Morin, Kimberly <Kimberly.Morin@cbsa-asfc.gc.ca>
Subject: RE: Follow up: EVP Call - December 15, 2020
Importance: High

Thank you, Nicholas – I will task the request.

Can you, please, forward the 4:30 pm invite to Jonathan? I would also hazard a guess that I will ask to have a DG from the portfolio on the call, as well...stay tuned.

From: Brown, Nicholas <Nicholas.Brown@cbsa-asfc.gc.ca>
Sent: December 16, 2020 10:50 AM
To: Gunn, Rebecca <Rebecca.Gunn@cbsa-asfc.gc.ca>
Cc: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Prosia, Michael <Michael.Prosia@cbsa-asfc.gc.ca>; Klodt, Tim <Tim.Klodt@cbsa-asfc.gc.ca>; Quinn, Robyn <Robyn.Quinn@cbsa-asfc.gc.ca>
Subject: Follow up: EVP Call - December 15, 2020

Good morning Rebecca,

On last evening's EVP Issues Management call, BOC provided an update on the current work refusal at Peace Bridge Commercial Operations. The issue stems from the orientation of one of the PIL booths which obligates the BSO working in the booth to turn their back to traffic. Although there have been a number of mitigation efforts put in place to alleviate concerns since the booth and lane were repurposed to add an extra inspection lane, there continues to be frustration for BSOs required to work the lane. While the current work refusal is being investigated by Labour Canada and in light of/conscious of the ongoing discussions about section 6 responsibilities and recent discussions at EPC, the EVP is curious to know whether the Agency could attempt to resolve this issue internally.

- **Action Item:** CBSA is exploring modifications that can be make to the port with the owner/operator. The Region confirmed that this has been an ongoing issue. The EVP has asked for a follow up with FCMB to determine whether CBSA could retrofit the booth using internal funding or other possible mitigation strategies.
- I would also ask that your VP be made available to join the EVP call this afternoon at 4:30pm given that the issue of this particular work refusal is likely to be discussed again. The EVP may want to discuss the above request on the call. I can ensure that your VP is send an invitation from PO.

Thanks.

Nick.

Nicholas Brown

A/Senior Manager / Gestionnaire principal par int.

Issues Management / Gestion des enjeux

Agence des services frontaliers du Canada | Canada Border Services Agency
6th Floor, 191 Laurier Ave. W. | 191, Ave. Laurier O., 6e étage
Ottawa, Ontario K1A 0L8

☎ 613-769-1421 | ✉ nicholas.brown@cbsa-asfc.gc.ca

Upper, Kim

From: LaBelle, Sara
Sent: December 16, 2020 11:21 AM
To: Upper, Kim
Cc: Ryan, Joe
Subject: FW: Supt assistance to work Bravo Line

FYI

From: Hamilton, Erika <Erika.Hamilton@cbsa-asfc.gc.ca>
Sent: December 16, 2020 11:07 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>; Felice, Andrew <Andrew.Felice@cbsa-asfc.gc.ca>
Subject: RE: Supt assistance to work Bravo Line

Hi Joe,

As of right now, we don't have anyone to provide assistance. We have put calls out to the FRT supts and other commercial trained supts at RB/QBT but have not heard back.

We'll keep trying,
Erika

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 16, 2020 9:41 AM
To: Hamilton, Erika <Erika.Hamilton@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: Supt assistance to work Bravo Line

Hello Erika,

I understand we may be able to borrow some Supts from your operation to run Bravo line in Fort Erie commercial.

If you could provide a Supt to work in commercial on OT if necessary to attend Fort Erie commercial and work Bravo with our local Supts that would be greatly appreciated.

We generally need assistance from 1500x2300 when traffic starts to build and the fifth line is required. (rotational one hour lines with one or two other Supts)

The Supts should have the ability to work in ACROSS and understand the PIL functions.

Please advise if you have any candidates and if they are available today.

I am available if you wish to discuss the particulars of the work situation.

Thank you,

Joe

Chief, Operations Branch
Canada Border Services Agency / Government of Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tel. : 905-994-6309 ,

Chef, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309

Hi Joe/Sara,

Please ensure new supts that come in are fully briefed. Mgmt is to advise BSOs of the refusal, as was outlined today, and determine if they will work B line. We need to ensure all BSOs are asked. Once that has occurred and if there are no available BSOs to work B line, then seek mgmt assistance. Director Walters has agreed to assist with his staff so please contact the Chiefs and solicit assistance to run B line. ... managers also need to be advised of the work refusal and the reasons why. Please also touch base with HQ and advise of our planned approach and ask them if any pitfalls or issues with this approach.

Please also initiate any systems access requirements for supts who may be working B line.

Thanks guys,
Appreciate all the efforts on this matter. It will get resolved... we just need to work through the steps.

Kim

Upper, Kim

From: Ryan, Joe
Sent: December 16, 2020 09:29 AM
To: Upper, Kim
Cc: LaBelle, Sara
Subject: RE: Work refusal PBC

Hello Kim,

Do we have another Supt to add to the mix from QBC or PBT?

Adriana is on a DR
We only have Vukmanic – he is in at 1200

Regards

Joe

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 16, 2020 9:16 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: RE: Work refusal PBC

Thanks.

Pls keep me posted on how that goes. And also please let me know when you anticipate having the booth staffed (with BSO or mgmt.). thanks

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 16, 2020 9:04 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: FW: Work refusal PBC

Hello Kim,

Please see the response from Luc – we will ensure the reason for the work refusal is detailed and provide our mitigation measures for the officers to consider when they are asked if they would be willing to work bravo line.

Regards

Joe

From: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Sent: December 16, 2020 8:39 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: RE: Work refusal PBC

Yes you can, the main thing is to inform them about the reasons for the refusal.

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 16, 2020 8:37 AM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Subject: RE: Work refusal PBC

Thank you Luc,

One more question – if the officer says no, they don't want to work the booth, could we then ask the officer if they would be willing to work Bravo line with another officer who can watch oncoming traffic?

Thank you,

Joe

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Joe.Ryan@cbsa-asfc.gc.ca / Tel. : 905-994-6309

Chef, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309

From: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Sent: December 16, 2020 8:22 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: RE: Work refusal PBC

Hello Joe,

You are correct, once the Labour Program was informed of the refusal, the employer can ask any employee to work given that they are made aware of the refusal.

Thank you,
Luc

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 16, 2020 8:18 AM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Subject: Work refusal PBC

Hello Luc,

We are currently informing the remaining officers in commercial of the work refusal related to B-line

As part of the process we are also asking if they believe there is a danger and if they would be willing to work B-line.

Once we complete our information and review with the officers, we plan on moving to the Supervisors (informing them of the work refusal and asking if they would be willing to work B-line)

Given that we are still waiting for a decision from Labour on the danger issue, would we be allowed to proceed with staffing B-line with Supervisors (provided they were made aware of the work refusal and were willing to work the line)?

Please advise on any issues or concerns with the above plan of action.

Thank you,

Joe

Chief, Operations Branch
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Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309

Upper, Kim

From: Ryan, Joe
Sent: December 16, 2020 08:26 AM
To: Upper, Kim
Cc: LaBelle, Sara
Subject: FW: Work refusal PBC

Hello Kim,

Please see answer from Luc Charron below, regarding possibility of asking Supts. to work Bravo Line.

We are continuing to inform new staff of work refusal and ask if they are willing to work Bravo line.

Regards,

Joe

From: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Sent: December 16, 2020 8:22 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: RE: Work refusal PBC

Hello Joe,

You are correct, once the Labour Program was informed of the refusal, the employer can ask any employee to work given that they are made aware of the refusal.

Thank you,
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Given that we are still waiting for a decision from Labour on the danger issue, would we be allowed to proceed with staffing B-line with Supervisors (provided they were made aware of the work refusal and were willing to work the line)?

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Thank you,

Joe

Chief, Operations Branch
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Joe.Ryan@cbsa-asfc.gc.ca / Tel. : 905-994-6309

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Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309

Upper, Kim

From: Upper, Kim
Sent: December 15, 2020 06:49 PM
To: Upper, Kim
Subject: FW: Work Refusal
Attachments: REFUSAL INVESTIGATION REPORT-B Trucks .docx

Importance: High

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>
Date: 2020-12-14 2:25 p.m. (GMT-05:00)
To: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>
Cc: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: FW: Work Refusal

For your review and consideration

Let me know if you have any concerns with our proposed solution – staff with two BSO's and work towards booth reconfiguration in the future

Regards

Joe

From: Rondinelli, Joshua <Joshua.Rondinelli@cbsa-asfc.gc.ca>
Sent: December 14, 2020 1:56 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: Work Refusal

Hello Chief Ryan,

Please see the attached Stage 1 Report, as well as the pending solution to the gap identified.

Thank you!

Joshua Rondinelli

Superintendent, Operations Branch

Canada Border Services Agency / Government of Canada

Joshua.Rondinelli@cbsa-asfc.gc.ca / Tel: 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction Générale des Opérations

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Canada Border
Services Agency

Agence des services
frontaliers du Canada



REFUSAL TO WORK INVESTIGATION REPORT

STAGE I – INVESTIGATION BY MANAGER

CLC-II Section 122

*“danger” means any hazard, condition or activity that could reasonably be expected to be an imminent **or** serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.*

IDENTIFICATION OF PARTIES

1. Manager/Immediate Supervisor

Name : Joshua Rondinelli
Work Telephone Number: 905-994-6444
Business Mobile Number: N/A
Email Address: Joshua.Rondinelli@cbsa-asfc.gc.ca

2. Investigating Manager (if different from above)

Name :
Work Telephone Number:
Business Mobile Number:
Email Address:

3. Refusing Employee(s)

Name :
Work Telephone Number :
Business Mobile Number: |
Email Address:
Additional Names:

DESCRIPTION OF REFUSAL

4. Location of Refusal

Peace Bridge Commercial Operations: 10 Queen Street, Fort Erie, Ontario

5. Employee's Statement of Refusal

B-trucks is unsafe because BSOs have back turned to oncoming traffic.

6. Events Leading Up to Refusal

BSO was scheduled to open B-trucks to process commercial traffic.

INVESTIGATION BY MANAGER

7. Date and Time Reported to Manager:

Monday December 14th, 2020 10:00

8. Interview Employee(s)

- a. What hazard, condition or activity does the employee consider to be an imminent threat or serious threat to their life or health?

BSO ability to prepare is hindered as a result of not maintaining visual on on-coming traffic.

Driver can potentially see ICS screen while performing ID query.

Example provided by BSOs: If an IPIL hot message is input advising BSOs of potential "armed and dangerous" vehicle description, BSOs cannot maintain visual on on-coming traffic to scan for potential threat.

- b. Why does the operation of a machine or the activity constitute a danger, what condition exists that is a danger, or what is the activity that constitutes a danger?

Performing primary function necessitates the need to use computer/ CBSA computer systems, which causes BSO to have back turned to oncoming traffic.

- c. How will the employee be seriously injured or become ill?

BSO will be unaware of potential hazards due to the inability to view threat cues / indicators which hampers the ability to complete a full risk assessment / tactical considerations.

9. Recurring Issue

- a. Determine if the issue has been previously raised elsewhere (consult with Regional/National OHS)?

Believed to have not been raised nationally.

B-trucks issue has been raised at the local OSH committee level going back to at least 2015.

- b. If yes, what was the result of the investigation?

Complaint seems to focus on ergonomical concerns. Determined by Chief Boucher, to stand in B-truck if experiencing any ill-effects.

10. Review CBSA Policies and/or Procedures:

- a. Is there a CBSA policy and/or procedure that address the situation? *(Review applicable policies and procedures and provide details on the relevant sections. Example: Enforcement Manuals, Program Manuals, Operational Bulletins, Arming Policies.)*

Example:

Fumigant Program User Guide

OPERATIONAL BULLETIN: PRG-2014-35

TITLE: Fumigant Procedures for Inland Sufferance Warehouse Examinations

People Processing Manual Part 2 Chapter 1: Primary Questioning and Immigration Referrals

8. At all locations, line of sight of incoming traffic is to be maintained at all times to allow frontline staff to view and promptly process any approaching vehicles or travellers. This will be accomplished by staffing at least one PIL booth or, at smaller ports of entry, ensuring a clear line of sight from the port of entry's main facility.

- b. Has the employee been trained on the above-mentioned policy/procedures/manual/bulletins? *(Example: Is employee aware of bulletin and been trained in the procedures?)*

YES ☒ NO ☐

- c. Are the above-mentioned CBSA policies and procedures being followed? *(Interview employees and determine if they are aware of bulletin and observe to ensure that employees follow the procedures If no, describe the deficiency)*

Example:

Material Safety Data Sheets for the 10 toxic industrial chemicals not available in the workplace.

YES ☐ NO ☒

Current configuration of B-trucks does not allow officers to maintain line of sight to all incoming traffic.

11. Manufacturer Information

- a. Are manufacturer's instructions and maintenance procedures relevant to the equipment or personal protective equipment, if applicable?

Example: The manufacturer's maintenance procedures for protective vests are outlined in the CBSA Uniform Policy and Standards of Appearance

5.0 Protective Vests

5.3 Life Cycle, Maintenance, Cleaning, Storage, Inspection and Replacement

YES ☐ NO ☐ NOT APPLICABLE X

- b. Are the manufacturer's instructions and maintenance procedures being followed, if applicable? (If no, describe the deficiency.)

YES ☐ NO ☐ NOT APPLICABLE X

12. Industry Standard/Best Practice

- a. Is the industry standard or best practice being met by the situation/task? (Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted industry standard. Observe the task/situation. Interview employees and management. If no, detail where the practise is not met.)

Example: Observe the task and compare and analyse the CSA Standard Z96-02 High-Visibility Safety Apparel Reflective Vests.

YES ☐ NO X NOT APPLICABLE ☐

Best practice seems to be that the computer will allow the officers to face on-coming traffic. This is the case in all other commercial and traffic PIL booths in Fort Erie.

- b. Is there a best practise for the situation/task? (Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted best practice by the industry. Observe the task/situation. Interview employees and management. If no, detail where the practise is not met.)

Example: There is no industry standard regarding an Outdoor Firing Range. Therefore, the CBSA collaborated with the RCMP and adapted their procedures to fit CBSA needs. CBSA Standards on Firing Ranges was created to fill this gap using a "best practise."

YES ☒ NO ☐ NOT APPLICABLE ☐

See above.

13. Engineering and/or Administrative Controls

- a. Are there any engineering controls in place to reduce exposure to the hazard? *(Such as mechanical, physical barriers, ventilation, shielding, machine guards, etc.)*

YES ☐ NO ☒

- b. Are the engineering controls in place functioning as intended? *(Interview employees and observe. If no, explain.)*

YES ☐ NO ☒

- c. Are there any administrative controls in place to reduce exposure to the hazard? *(Such as doubling up, scheduling, policy/procedures etc.)*

YES ☐ NO ☒

- d. Are the administrative controls in place functioning as intended? *(Interview employees and observe the employees to determine if they are and are functioning. If no, explain.)*

YES ☐ NO ☒

- e. Are the administrative controls in place appropriate? *(Interview employees and observe the employees to determine if there are additional controls that could be put in place.)*

YES ☐ NO ☒

14. Personal Protective Equipment (PPE)

- a. Is PPE being used to reduce the hazard? *(Such as Kevlar gloves, protective vest, N95 respirator, hearing protection, etc. List PPE, interview and observe the employee(s) to determine if they have been provided with PPE and are using it.)*

YES ☐ NO ☐ N/A X

- b. Has the employee(s) been trained on the use and maintenance of PPE? *(List course name(s), verify on CAS whether the employee has completed training, where applicable.)*

YES ☐ NO X

15. Hazardous Occurrence Report (LAB1070)

- a. Have LAB1070s been previously submitted for this hazard/condition or activity? *(Describe Consult with Regional and National OHS advisors.)*

YES ☐ NO X

- b. If so, were any corrective measures implemented? *(Review LAB1070s. Explain why or why not.)*

YES ☐ NO X

16. Workplace Health & Safety Committee (WHSC)/OHS representative

- a. Has this situation been addressed by the WHSC or Representative in the past? *(Review minutes of WHSC meeting)*

YES X NO ☐

Issues with B-trucks have been raised as far back as 2015 as per OSH minutes.

17. Hazard Assessment

- a. Has a hazard assessment or job hazard analysis (JHA) been completed for this hazard/condition or activity locally or elsewhere in CBSA? *(Provide details. Consult with Regional and National OHS advisors.)*

YES ☐ NO X

18. Analysis

Identify any gaps that may exist between CBSA processes/procedures and the information observed/gathered during the investigation. Compare each process side-by-side and step-by-step and note any differences. If a discrepancy/gap exists, determine if there is danger.

Examples of a gap or deficiency: Occurs if employees are not receiving required training, if the work place is not aware of a certain operation bulletin, if employees are not following the official procedure and supervisors are allowing it to take place, or if CBSA procedure differs from manufacturer instructions etc.

There is an identified gap in CBSA processes. As per People Processing Manual Part 2 Chapter 1 Section 8:

At all locations, line of sight of incoming traffic is to be maintained at all times to allow frontline staff to view and promptly process any approaching vehicles or travellers. This will be accomplished by staffing at least one PIL booth or, at smaller ports of entry, ensuring a clear line of sight from the port of entry's main facility.

DANGER ANALYSIS (Use records from LAB1070s, WHSC Minutes, Security Incident Reports)

Does the identified gap or deficiency result in a danger? Example: If an employee does not receive training on how to clean their vest or if the Operational Bulletin on Fumigants is not received and employees do not follow the procedures and supervisor is aware but does not correct. See below to determine if danger exists.

19. Frequency

How often is the employee exposed to the hazard created by the gap or deficiency?
 Determine which statement is true from the table below. Choose one (1).

Example: By not following the fumigant procedures employees could be exposed. Review security incident reports, Lab 1070s, etc. to determine if employees have been exposed

| Frequency | |
|-------------------|--|
| Frequent | Occurs one or more times per day |
| Regular | Occurs one or more times per week |
| Occasional | Occur one or more times per month or season |
| Rare | Occurs rarely or has never occurred, but is possible |

FREQUENT ☐ REGULAR ☐ OCCASIONAL ☐ RARE ☒

20. Likelihood

What is the likelihood of an injury occurring if the employee is exposed to the hazard?
 Determine which statement is true from the table below. Choose one (1).

Example: If the BSO does not follow procedures and enters a confined space would they incur an injury?

| Likelihood | |
|--------------------------|--|
| Almost certain | The most likely and expected result if a hazard exists |
| Quite possible | Not an unusual occurrence |
| Remotely possible | Unusual occurrence or possible, occurred in the past |
| Unlikely | Has not or never occurred but is conceivable |

21. Probability

Using the responses from 19 and 20 determine the probability of an injury or illness occurring.

| Probability(Frequency x Likelihood = Probability) | | | | |
|---|-----------------|--------------------------|-----------------------|-----------------------|
| Frequency | Likelihood | | | |
| | Unlikely | Remotely Possible | Quite Possible | Almost certain |
| Frequent | Possible | Likely | Highly Likely | Highly Likely |
| Regular | Possible | Possible | Likely | Highly Likely |
| Occasional | Unlikely | Possible | Likely | Likely |
| Rare | Unlikely | Unlikely | Likely | Likely |

22. Severity

If the hazard were to occur, which of the following would be the result? Choose one (1).

| Severity | |
|-----------------|--|
| Critical | Fatality or permanently disabling injury or illness; limb amputation, major fracture, burn on a large part of the body |
| Severe | Disabling injury resulting in loss of work time; laceration, burn on several parts of the body |
| Serious | Minor injury; sprain, light burn |
| Minimal | Non-disabling injury |

23. Hazard Level

Using the responses from 21 and 22 determine the hazard level.

| PROBABILITY | SEVERITY | | | |
|---------------|----------|---------|--------|----------|
| | Minimal | Serious | Severe | Critical |
| Highly Likely | C | B | A | A |
| Likely | C | C | B | A |
| Possible | D | C | B | B |
| Unlikely | D | D | C | C |

24. Determine if a Danger exists

"Danger" means any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.

Imminent:

On the point of happening
Threatening, impending, menacing, and perilous.
Something which is threatening to happen at once.

Labour Program Interpretive Policy Guideline

Danger is a situation, either actual or potential, which requires that the employee be immediately protected from the hazard, condition or activity in order to prevent a probable injury or illness from occurring. For the event or situation to be considered danger it would be more likely than not that the hazard, condition or activity could cause harm, injury or illness before the hazard or condition can be corrected or the activity altered.

Respond to the following questions to determine if Danger exists

- a. Is the event or situation more likely than not to occur? (Refer to the hazard assessment enter the answer to "Probability".)

Unlikely

- b. Is the event imminent or a serious threat?

Yes ☐ No ☒

- c. Is there a significant risk of severe or critical injury? (Refer to the hazard assessment if the

Hazard Level is A, choose "Yes".)

Yes ☐ No ☒

If the answers to the above questions are:

- Highly Likely or Likely
- The Hazard is Imminent or is a Serious Threat
- The Hazard is rated as Level A: Severe or Critical

Danger Exists

DECISION

25. Employer decision

- ☐ Danger
- ☐ No Danger
- ☐ Danger, but refusal not permitted under Subsection 128(2)
- ☒ No Danger, but gap exists: refer to Internal Complaint Resolution Process

If danger, provide recommendations and implementation plan.

Management is committed to addressing the gap that exists.

A short term solution will be to post an additional officer in B-trucks. The additional officer will be posted in the lower portion of B-trucks to maintain social distancing. This officer will be responsible for maintaining a visual on on-coming traffic.

The long term solution will be to flip the sliding window in B-trucks as well as moving the computers to allow for a visual to be maintained on on-coming traffic at all times.

26. Employee Response to Decision

Employee satisfied by decision and returned to work: Yes ☐ No ☐
(Stage II Investigation Required)

Employee Agrees to refer complaint to Internal Complaint Resolution: Yes ☐ No ☐

Employer Investigator

Date

Please refrain from inputting personal information in the text fields.

Upper, Kim

From: Pilato, Adriana
Sent: December 15, 2020 11:57 AM
To: Upper, Kim
Subject: RE: Commercial work refusal

Okay thank you Kim, I will ensure this information is available to the Labour officers.

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 15, 2020 11:53 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>; Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>
Subject: FW: Commercial work refusal

Adriana... I share this with you for furtherance to the Labour officers you are communicating with. "

Thanks,

Kim Upper

A/Director, Fort Erie District
Canada Border Services Agency / Government of Canada
Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie
Agence des services frontaliers du Canada / Gouvernement du Canada
Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

Upper, Kim

From: Ryan, Joe
Sent: December 15, 2020 08:19 AM
To:
Cc: Upper, Kim
Subject: RE: Monday 12/14/20

Hello

Thank you for your feedback and working with us as we dealt with the work refusal yesterday afternoon. We appreciate the efforts of your staff is assisting us with traffic management.

We anticipate a resolution to the work refusal today.

Regards

Joe Ryan

From: |
Sent: December 15, 2020 6:23 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>
Cc: |
Subject: FW: Monday 12/14/20

Good morning Joe/Craig,

See duty report below and the call we got from your staff regarding a "work refusal" in B-line. You can see the subsequent issues this caused

Can you share any info regarding the refusal and let us know if there was something we could have done different to help out?

Thanks Chris

From:
Sent: Monday, December 14, 2020 8:30 PM
To:
Cc:
Subject: Monday 12/14/20

Upper, Kim

From: Durocher, Christine
Sent: December 14, 2020 08:26 PM
To: Upper, Kim
Cc: Taylor, Carrie; Berardi, Dave
Subject: Re: Work Refusal

Thanks Kim for the update!

Sent from my iPhone

On Dec 14, 2020, at 7:44 PM, Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca> wrote:

Update

Reports have been sent to Labour officer. He advises that a decision will not occur tonight. He intends to contact the supt tmro to consult after he reviews the reports.

Kim

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>
Date: 2020-12-14 7:11 p.m. (GMT-05:00)
To: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>, "Taylor, Carrie" <Carrie.Taylor@cbsa-asfc.gc.ca>, "Berardi, Dave" <Dave.Berardi@cbsa-asfc.gc.ca>
Subject: FW: Work Refusal

For your awareness

Still waiting for a call back from Labour Rep.

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 14, 2020 7:10 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: Work Refusal

Hello Kim,

We are still waiting for the Labour Rep to call back – it has been more than 40 minutes

I had the opportunity to speak with Doug Hornyak of the OSH committee and he provided me with some drawings on what would be acceptable to them.

I have three copies of each that we can review with Jodi tomorrow.

Apparently, the sketches were previously sent to Jodi for her review a couple of weeks ago, but because of the section 6 issue we could not move forward with implementing the suggested changes.

BWT is currently at 40 minutes and climbing

Regards

Joe

Chief, Operations Branch
Canada Border Services Agency / Government of Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tel. : 905-994-6309

Chef, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309

Upper, Kim

From: Ryan, Joe
Sent: December 14, 2020 07:15 PM
To: Upper, Kim
Subject: RE: Work Refusal

I will scan them and send them over to you

One is as described to you, another one allows for the window to remain where it is, but one counter would have to be completely removed to allow the officers to sit back far enough.

Joe

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 14, 2020 7:13 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: RE: Work Refusal

Thanks Joe

Are the drawings as you described to me earlier- new desk, move computers and swap the window panes to open in the other direction?

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 14, 2020 7:10 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: Work Refusal

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Joe

Chief, Operations Branch
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Chef, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309

Upper, Kim

From: Covelli, Jodi
Sent: December 14, 2020 07:00 PM
To: Berardi, Dave; Michael, Connie
Cc: Upper, Kim
Subject: Re: Work refusal at Peace Bridge

I can go.

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Berardi, Dave" <Dave.Berardi@cbsa-asfc.gc.ca>
Date: 2020-12-14 6:37 PM (GMT-05:00)
To: "Michael, Connie" <Connie.Michael@cbsa-asfc.gc.ca>, "Covelli, Jodi" <Jodi.Covelli@cbsa-asfc.gc.ca>
Cc: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>
Subject: Work refusal at Peace Bridge

Hi Connie/Jodi

I just got off a call with Christine and Kim

The work refusal at PB continues, they remain at an impasse and are proceeding with referral to Labor Canada for investigation

We need to determine what options are available to address the concerns based on the feedback that has been received so far in the OHS process.

Focus is to identify if there is anything we can do immediately to address the concerns raised on a temporary/interim basis so that we can put the booth back into operation while we work towards long term solution

Can Jodi or Teresa go to the site first thing tomorrow morning to meet with Joe and Kim so that we can survey what might be required to address this issue?

Kim will be there along with Joe Ryan and we will be available to assist with determining next steps/options.

On the s6 policy side I spoke to Andrew later this evening and will follow up tomorrow to determine what flexibility we may have.

I expect that if we are able to keep the changes relatively minor we may be able to address but if it becomes major construction we will have problems reconciling with s6

Thanks

David Berardi

Executive Director, Central Portfolio- Major Infrastructure Projects and Initiatives/
Portefeuille centrale-Directeur exécutif Grands projets d'infrastructure et initiatives
Finance and Corporate Management Branch/Finances et Gestion Organisationnelle
Canada Border Services Agency/Agence des services frontaliers du Canada

Tel: 905 329 1560
Dave.Berardi@cbsa-asfc.gc.ca

Upper, Kim

From: Durocher, Christine
Sent: December 14, 2020 05:42 PM
To: Upper, Kim
Subject: RE: Work Refusal

A lot of work or something that can be rectified quite easily?

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 14, 2020 5:30 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Subject: RE: Work Refusal

It can be moved I am sure- the desk configuration will also need to be changed. And likely the glass sliders in the window.

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 14, 2020 5:14 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: RE: Work Refusal

Is there a way to move the computer?

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 14, 2020 4:04 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; Prosia, Michael <Michael.Prosia@cbsa-asfc.gc.ca>
Cc: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Subject: RE: Work Refusal

They want a ruling of danger and reconfiguration of booth.

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>
Date: 2020-12-14 3:53 p.m. (GMT-05:00)
To: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>, "Taylor, Carrie" <Carrie.Taylor@cbsa-asfc.gc.ca>, "Risk, Julie" <Julie.Risk@cbsa-asfc.gc.ca>, "Prosia, Michael" <Michael.Prosia@cbsa-asfc.gc.ca>
Subject: RE: Work Refusal

What are they asking for?

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>

Sent: December 14, 2020 3:53 PM

To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; Prosia, Michael <Michael.Prosia@cbsa-asfc.gc.ca>

Subject: FW: Work Refusal

The refusal is moving to the second level. They did not accept the finding of no danger, even with the mitigating measure.

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>

Date: 2020-12-14 3:22 p.m. (GMT-05:00)

To: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>

Cc: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>, "Prosia, Michael" <Michael.Prosia@cbsa-asfc.gc.ca>, "LaBelle, Sara" <Sara.LaBelle@cbsa-asfc.gc.ca>

Subject: RE: Work Refusal

Hello Kim,

Supt Rondinelli presented his findings to the employee, _____ has rejected the finding of no danger, but with a recognized gap. Additionally, he was not satisfied with the mitigation measure of staffing two officers in the booth to ensure a clear view of oncoming traffic as per the People Processing manual.

We are proceeding to the second step in the process with Supt. Pilato conducting the investigation with the OSH committee.

Regards

Joe

From: Ryan, Joe
Sent: December 14, 2020 2:25 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: FW: Work Refusal
Importance: High

For your review and consideration

Let me know if you have any concerns with our proposed solution – staff with two BSO's and work towards booth reconfiguration in the future

Regards

Joe

From: Rondinelli, Joshua <Joshua.Rondinelli@cbsa-asfc.gc.ca>
Sent: December 14, 2020 1:56 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: Work Refusal

Hello Chief Ryan,

Please see the attached Stage 1 Report, as well as the pending solution to the gap identified.

Thank you!

Joshua Rondinelli

Superintendent, Operations Branch

Canada Border Services Agency / Government of Canada

Joshua.Rondinelli@cbsa-asfc.gc.ca / Tel: 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction Générale des Opérations

Agence des Services Frontaliers du Canada / Gouvernement du Canada

Joshua.Rondinelli@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

Upper, Kim

From: Berardi, Dave
Sent: December 14, 2020 03:24 PM
To: Upper, Kim; Michael, Connie; Durocher, Christine; Taylor, Carrie
Subject: RE: Work Refusal

Hi Kim

Let me know if you are available for a call and we can sort out what is required.

Thx

Dave

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 14, 2020 3:12 PM
To: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Michael, Connie <Connie.Michael@cbsa-asfc.gc.ca>; Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>
Subject: FW: Work Refusal
Importance: High

Hi Dave,

This item has been an identified issue since 2015 from my understanding. I know the Chiefs have been discussing this with the local infrastructure folks and they have indicated there are some sections 6 issues/considerations.

We had a work refusal today and have implemented a temporary fix whereby we have added a bso to the PIL booth to ensure adequate viewing on approaching trucks.

I am seeking your assistance on establishing a more permanent fix, if possible. I don't think there would be too much to do in order to rectify. Please let me know how we can this matter resolved.

Thank you
 Kim

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>
Date: 2020-12-14 3:04 p.m. (GMT-05:00)
To: "Durocher, Christine" <Christine.Durocher@cbsa-asfc.gc.ca>, "Taylor, Carrie" <Carrie.Taylor@cbsa-asfc.gc.ca>, "Prosia, Michael" <Michael.Prosia@cbsa-asfc.gc.ca>, "Risk, Julie" <Julie.Risk@cbsa-asfc.gc.ca>
Subject: FW: Work Refusal

Interim solution ... we will put a second officer in the booth to watch approaching trucks.

Chief Ryan has been in contact with infrastructure... however no concrete plan for resolution. I will raise to Dave Berardi for assistance.

Thanks
Kim

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>
Date: 2020-12-14 2:25 p.m. (GMT-05:00)
To: "Upper, Kim" <Kim.Upper@cbsa-asfc.gc.ca>
Cc: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: FW: Work Refusal

For your review and consideration

Let me know if you have any concerns with our proposed solution – staff with two BSO's and work towards booth reconfiguration in the future

Regards

Joe

From: Rondinelli, Joshua <Joshua.Rondinelli@cbsa-asfc.gc.ca>
Sent: December 14, 2020 1:56 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: Work Refusal

Hello Chief Ryan,

Please see the attached Stage 1 Report, as well as the pending solution to the gap identified.

Thank you!

Joshua Rondinelli

Superintendent, Operations Branch

Canada Border Services Agency / Government of Canada

Joshua.Rondinelli@cbsa-asfc.gc.ca / Tel: 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction Générale des Opérations

Agence des Services Frontaliers du Canada / Gouvernement du Canada

Joshua.Rondinelli@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

Upper, Kim

From: Durocher, Christine
Sent: December 14, 2020 01:37 PM
To: Berardi, Dave; Chenard, Charles; Taymun, Scott; Michael, Connie
Cc: Upper, Kim; Taylor, Carrie
Subject: FW: BOC Issues Summary - Monday, December 14, 2020

Good afternoon,

I am writing in regards to the work refusal below.

I understand from the POE that the changes to the booth have been requested for several years and we have been informed it is a section 6 challenge—do you have any updates or insight you can provide on this?

Also, tomorrow I have a regional union meeting regarding the door at Rainbow—I am concerned that we may be heading down the road of a work refusal given the attention being brought to it.

Christine

From: Girard, Claire <Claire.Girard@cbsa-asfc.gc.ca>
Sent: December 14, 2020 1:34 PM
To: CBSA.F SPB-IM / GE-DGPS ASFC.F; Janes, Lisa CBSA-ASFC
 <Lisa.Janes@cbsa-asfc.gc.ca>; Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Cc: Hussey, Tila <Tila.Hussey@cbsa-asfc.gc.ca>; Arias, Silvia <Silvia.Arias@cbsa-asfc.gc.ca>; BOC-IM / COF-GQ
 (CBSA/ASFC) Whitehorne, Philip
 <Philip.Whitehorne@cbsa-asfc.gc.ca>; Spicer, Sharon <Sharon.Spicer@cbsa-asfc.gc.ca>
Subject: BOC Issues Summary - Monday, December 14, 2020

Good afternoon,

These are the issues that I will raise on the call this afternoon.

- **Work Refusal (S1032561 – LBPIA, GTA)**
 On December 12, 2020, it was reported to the BOC at 1425 ET, that two border services officers (BSOs) at Toronto Pearson International Airport Terminal 3 were asked to report to Terminal 1 to assist with clearing flights. Both officers refused, On December 12, 2020, at 1837 ET, it was reported that management requested three BSOs report to Terminal 1 to assist with staffing shortages and they also refused as a result of the ongoing work refusal. All 38 BSOs on duty at Terminal 3 have refused to attend Terminal 1 due to the ongoing work refusal and have indicated they are refusing work for tomorrow, December 13, 2020, as well. On December 12, 2020, at 2033 ET, it was reported that although sharing staff between terminals is common practice, overtime will be utilized to fill scheduling gaps as a result of the ongoing work refusal. The matter has been escalated to the local Health and Safety Committee for further investigation.
- **Work refusal (S1032605 – Peace Bridge Commercial, SOR)**
 On December 14, 2020, 18 border services officers (BSOs) have refused to operate “B” primary inspection line (PIL) at Peace Bridge Commercial Operations, citing a danger to their health and safety when operating the primary line. The configuration of this commercial booth is set up that the BSO’s back is to oncoming traffic

when they are working on the computer. Traffic volumes are low and BSOs are operating the other four PIL booths. The BOC will continue to monitor and provide updates as they become available.

Thank you,

Claire Girard

Manager | Gestionnaire

POE Immigration Processing Unit | Unité de traitement de l'immigration au point d'entrée

Operational Guidance Division | Division de l'orientation opérationnelle

Travellers Operational Guidance & Support Directorate | Direction de l'orientation et soutien opérationnels – Voyageurs

claire.girard@cbsa-asfc.gc.ca /

Secret Network | Réseau secret

Tel / tty 866-335-3237

Upper, Kim

From: Border Operations Centre / Centre des Operations Frontalières (CBSA/ASFC)
Sent: December 14, 2020 10:43 AM
To: CBSA-ASFC-Dist_IRC_LR; CBSA-ASFC-DIST_SOR_Dist_DIR/Dir_dist; CBSA.O Commercial-DE / Commercial-ES O.ASFC
Cc: Lebar, Lidija
Subject: New: Labour Relations - Work Refusal at Peace Bridge Commercial - S1032605

Border Operations Centre (BOC)
NEW Significant Event: S1032605

Synopsis –

On December 14, 2020, 18 border services officers (BSOs) have refused to operate “B” primary inspection line (PIL) at Peace Bridge Commercial Operations, citing a danger to their health and safety when operating the primary line. The configuration of this commercial booth is set up that the BSO's back is to oncoming traffic when they are working on the computer.

Impact –

No operational impact has been reported.

CBSA Action/Next Steps –

Traffic volumes are low and BSOs are operating the other four PIL booths. The BOC will continue to monitor and provide updates as they become available.

Source –

Adriana Pilato – Superintendent – Southern Ontario Region.

This notification was provided on behalf of Human Resources Branch Duty Executive Jennifer Bonisteel.

Duty executives are to inform appropriate units within their branch or region.

This information is classified Protected A and only for distribution internal to the CBSA. If you have any questions or follow up requests for detailed information, please contact the Border Operations Centre at

Les cadres de service doivent informer les secteurs appropriés de leur direction générale ou région.

Cette information est classifiée Protégé A et exclusivement réservée à une distribution interne à l'ASFC. Si vous avez des questions ou si vous voulez qu'un suivi plus détaillé vous soit fourni, veuillez contacter le Centre des opérations frontalières au

Upper, Kim

From: Ryan, Joe
Sent: December 19, 2020 07:43 AM
To: Upper, Kim; Risk, Julie
Subject: FW: Section 127.1 Complaint

Labour code complaint showers

From: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Sent: November 2, 2020 10:37 PM
To: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>; Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>
Cc: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>; Schultz, Diane <Diane.Schultz@cbsa-asfc.gc.ca>; Hornyak, Doug <Doug.Hornyak@cbsa-asfc.gc.ca>; Ford, Kevin <Kevin.Ford@cbsa-asfc.gc.ca>; Hodges, Kristopher <Kristopher.Hodges@cbsa-asfc.gc.ca>; Caperchione, Judy <Judy.Caperchione@cbsa-asfc.gc.ca>
Subject: RE: Section 127.1 Complaint

Gary,

Our apologies. As you can see the email sent on Oct 14th was addressed to you, but you were inadvertently left off the email by mistake. We will review your question and respond soon.

Mark

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Sent: November 2, 2020 10:24 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>
Cc: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>; Schultz, Diane <Diane.Schultz@cbsa-asfc.gc.ca>; Hornyak, Doug <Doug.Hornyak@cbsa-asfc.gc.ca>; Ford, Kevin <Kevin.Ford@cbsa-asfc.gc.ca>; Hodges, Kristopher <Kristopher.Hodges@cbsa-asfc.gc.ca>; Caperchione, Judy <Judy.Caperchione@cbsa-asfc.gc.ca>; Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Subject: RE: Section 127.1 Complaint

I wasn't included in the Oct 14 email.....

Gary Corsi

Superintendent, Operations Branch
 Canada Border Services Agency / Government of Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tel. : 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations
 Agence des services frontaliers du Canada / Gouvernement du Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: November 2, 2020 9:56 AM
To: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>
Cc: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>; Schultz, Diane <Diane.Schultz@cbsa-asfc.gc.ca>; Hornyak, Doug <Doug.Hornyak@cbsa-asfc.gc.ca>; Ford, Kevin <Kevin.Ford@cbsa-asfc.gc.ca>; Hodges, Kristopher <Kristopher.Hodges@cbsa-asfc.gc.ca>; Caperchione, Judy <Judy.Caperchione@cbsa-asfc.gc.ca>; Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Subject: Re: Section 127.1 Complaint

Hello Ryan - I believe Gary was waiting on Mark Hall to answer a question related to the labour code complaint

Joe

Sent from my iPhone

On Nov 2, 2020, at 1:57 AM, Willick, Ryan

wrote:

Good Morning,

Please be advised that a complaint has been submitted to the ESDC labour program. There has been no resolution to this matter, the original complaint was submitted September 18th, 2020. I have attached the complaint form, original complaint and the e-mail correspondence I have received about this matter.

Thank you,

<Complaint Registration ESDC.pdf>
<127.1 Change Room.docx>
<mime-attachment>

Upper, Kim

From: Ryan, Joe
Sent: December 19, 2020 07:42 AM
To: Upper, Kim; Risk, Julie
Subject: FW: Labour code complaint

fyi

Labour code complaint PBC showers

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Sent: November 2, 2020 10:20 PM
To: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>; Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>
Subject: RE: Labour code complaint

Gents,
 Thanks for the reply, however it's important that you read the email carefully.....I did not imply or suggest there was an allegation of injury or accident. My question is:

Why does the employee believe there is likely to be an accident or injury to health arising out of, linked with, or occurring in the course of employment?

Also, as you can see from this thread, I was not included in the Oct 14 email, so this is my first time seeing your response.

Moving forward, I would appreciate being the first point of contact for this file as it was assigned to me by the Chief. In the event I do not respond in a timely manner due to a scheduling conflict, leave or oversight, I would appreciate a follow up email prior to going directly to the Chief.

thanks

Gary Corsi

Superintendent, Operations Branch
 Canada Border Services Agency / Government of Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tel. : 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations
 Agence des services frontaliers du Canada / Gouvernement du Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

From: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Sent: November 2, 2020 8:40 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>; Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Subject: FW: Labour code complaint
Importance: High

Hey Joe,

Here is the email for our response to Gary's questions back on Oct 14th. I have highlighted the reply in red this time. Let me know if you need anything else.

Thank you,
Mark/Ryan

From: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>
Sent: October 14, 2020 8:27 AM
To: Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>; Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>; Ford, Kevin <Kevin.Ford@cbsa-asfc.gc.ca>; Hornyak, Doug <Doug.Hornyak@cbsa-asfc.gc.ca>; Caperchione, Judy <Judy.Caperchione@cbsa-asfc.gc.ca>; Hodges, Kristopher <Kristopher.Hodges@cbsa-asfc.gc.ca>
Subject: RE: Labour code complaint
Importance: High

Gary,

I have responded in blue to your questions below. I included the health and safety team at PBC, as my role is ending in December. I have also included Chief Ryan as the OHS management rep. Let the committee know if you believe there is a contravention so we can continue this process.

Thanks,

Ryan

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Sent: October 13, 2020 10:16 AM
To: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Cc: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Subject: Labour code complaint

Mark,

As discussed Friday, I am working on the Labour complaint that was submitted Sept 18 by BSO Willick.

I have the following questions:

1. Why does the employee believe that there is likely to be an accident or injury to health arising out of, linked with or occurring in the course of employment?

There is no allegation of accident or injury to health in the complaint submitted Sept.18th, 2020. I have attached a copy of the complaint. The allegation is a violation of both the Canada Labour Code and Canada Occupational Health and Safety Regulations.

2. Was a Lab 1070 submitted? If so, can I please be provided a copy.

There is not LAB1070 specific to the change room. There is no LAB1070 required for this process.

thanks

Gary Corsi

Superintendent, Operations Branch
Canada Border Services Agency / Government of Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tel. : 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

Upper, Kim

From: Durocher, Christine
Sent: December 18, 2020 04:41 PM
To: Upper, Kim; Berardi, Dave; Taylor, Carrie; Risk, Julie; Shedden, Jeffrey
Subject: RE: Brief timeline for outstanding OHS agenda item - shower in men's changeroom

Thanks Kim for the update

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 18, 2020 11:22 AM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; Shedden, Jeffrey <Jeffrey.Shedden@cbsa-asfc.gc.ca>
Subject: FW: Brief timeline for outstanding OHS agenda item - shower in men's changeroom

Good Morning,

As a follow up to the attached notification of the complaint being investigated by an HSO with the Federal Labour Program, below is a description/timeline of what has occurred to date. Luc Charon, HQ-HRB is responding to the HSO and will advise what is required. I will keep you apprised of any developments.

Dave- is there anything specific you need, please let me know. If we are advised of any changes or requirements needed, I will be sure to keep you informed.

Thanks,
 Kim

From: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Sent: December 18, 2020 9:48 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: Brief timeline for outstanding OHS agenda item - shower in men's changeroom

Hi Kim,

Below is a brief timeline/synopsis of what I could find on the outstanding OHS agenda item of shower in the men's changeroom in commercial ops :

- April, 2019 : first time this item appeared on the OHS agenda ; main issue was the square footage/area in the men's changeroom as we had additional male staff deployed to commercial operations. Management agreed that there was not enough room in the changeroom, therefore, another room(used to be a storage room) on the main floor was converted into a men's changeroom(no washrooms/shower). Therefore, in total, there are 2 male changerooms in use in commercial operations, however, only one has a shower. The OHS committee believed this was a temporary fix, not a longterm solution to the changeroom issues. The shower issue is that they are stating the labour code states that there should be one showerhead per 10 people that work here; which there is currently only one showerhead available to be used. A further issue was that BSO's may come in contact with HTS. However, to point out, there is a standalone shower located on the dock specifically for use by officers on the dock should they come in contact with HTS during their work duties. In addition, to point out, there are showers also available in traffic operations, should the need arise for more than one person to shower at once. The item remained on the OHS agenda, as it was not resolved.

- April 3, 2020 : OHS committee brought forward concerns about violations by the employer under Canadian Occupational Health and Safety Regulations(for the reasons described above)
- April 29, 2020 : Luc Charon(senior OHS advisor/national) provided communication via email that he deemed the OHS committee's allegations of violations as not founded; OHS did not agree and specifically did not agree with comments Charon made regarding **“ BSO working frontline do not regularly perform strenuous physical work in a high temperature or high humidity or whose bodies may be contaminated by a hazardous substance”**. Therefore, showers are not required to be provided by the employer.
- As OHS committee members did not agree with this finding, they kept this as an outstanding item on the agenda
- July 10, 2020 : OHS management rep informed the OHS committee that management agreed with Charon's findings that their complaint of violations were not founded
- OHS committee then stated that they felt they had no other choice, as they felt management had made a decision in concurring with Charon's finding, and they then filed a formal complaint with ESDC. I believe the complaint was filed sometime in November, 2020.
- Nov.11, 2020 : Manager from commercial emailed Charon to obtain some guidance on next steps; Charon said that next steps would be for an HSO(health and safety officer) to investigate the formal complaint and then render a decision. He asked the manager to complete a BSF772 and to see if the OHS committee also completed one.
- Dec.17, 2020 : The HSO assigned the case communicated via email with Chief and manager to inform of the complaint investigation and ask for further information/clarification on some points. Chief forwarded the information to Charon. Charon informed chief that he would contact the HSO via telephone to have a conversation and then get back to chief.
- No further information as of right now.

Thanks, please let me know if you require anything further.

Sara

Upper, Kim

From: LaBelle, Sara
Sent: December 18, 2020 01:37 PM
To: Upper, Kim; Vanderklei, Craig; Ryan, Joe
Subject: RE: Brief timeline for outstanding OHS agenda item - shower in men's changeroom
Attachments: RE: shower men's change room - PBC(OHS agenda item)

Hi Kim,

I sent Jodi Covelli an email inquiring as I had asked Gary Corsi but he wasn't sure as the management rep for OHS is Paul Mabey and he isn't in today. Please see her response attached to this email.

Therefore, in answer to your question, it was brought to Luc for guidance, not local infrastructure(in regards to the shower issue).

Thank you.

Sara

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 18, 2020 1:05 PM
To: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: FW: Brief timeline for outstanding OHS agenda item - shower in men's changeroom

For your awareness,

To confirm- this item was brought directly to HQ HRB- Luc, for guidance, correct? And not to our local infrastructure?

From: Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>
Sent: December 18, 2020 12:23 PM
To: Michael, Connie <Connie.Michael@cbsa-asfc.gc.ca>
Cc: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: FW: Brief timeline for outstanding OHS agenda item - shower in men's changeroom

Hi Connie....

Looping you in on a newly emerging issue at Peace Bridge Comm
A labour complaint has been filed at PB re: lack of / absence of showers in male locker room area.

PB mgmt. team are working through the OHS/labour process
From what I have been able to ascertain, Infrastructure has not been previously engaged on this particular issue. They had been involved in some improvements/expansion to the locker room (pre-2015)

Kim... please correct me if you determine otherwise.

Please liaise with Kim and team to work through the process and seek advice from s6 group and any other internal consultations that may be required.

Thanks
Dave

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 18, 2020 11:22 AM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; Shedden, Jeffrey <Jeffrey.Shedden@cbsa-asfc.gc.ca>
Subject: FW: Brief timeline for outstanding OHS agenda item - shower in men's changeroom

Good Morning,

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Dave- is there anything specific you need, please let me know. If we are advised of any changes or requirements needed, I will be sure to keep you informed.

Thanks,
Kim

From: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Sent: December 18, 2020 9:48 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
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be contaminated by a hazardous substance”. Therefore, showers are not required to be provided by the employer.

- As OHS committee members did not agree with this finding, they kept this as an outstanding item on the agenda
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- No further information as of right now.

Thanks, please let me know if you require anything further.

Sara

Upper, Kim

From: Covelli, Jodi
Sent: December 18, 2020 01:33 PM
To: LaBelle, Sara
Subject: RE: shower men's change room - PBC(OHS agenda item)

It was never formally reported to us so it was never forwarded to sec6. A few years ago I was involved when we cleaned up the locker room and found more space on the first floor for storage/lockers. Mentioned once to her that the showers were insufficient but management never came to us. Before FUFA dried up our project money requests we were considering expanding the locker rooms by using the training room space but the issue was number of lockers and no one said anything about the showers.

From: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Sent: December 18, 2020 1:16 PM
To: Covelli, Jodi <Jodi.Covelli@cbsa-asfc.gc.ca>
Subject: shower men's change room - PBC(OHS agenda item)

Hi Jodi,

Can you please send me any details regarding the on-going/outstanding OHS item regarding shower in the men's changeroom at PBC? I'm trying to see what has been discussed regarding Sec.6, etc....if you could please advise asap that would be greatly appreciated.

I believe its been on the OHS agenda since April, 2019.

Thanks
sara

Sara LABELLE, 13959
A/Chief, Peace Bridge Commercial Operations
Canada Border Services Agency / Government of Canada
Sara.labelle@cbsa-asfc.gc.ca / Tel: 905-994-6379 / TTY 866-335-3237

I/Chef, Peace Bridge Commercial Operations
Agence des services frontaliers du Canada / Gouvernement du Canada
Sara.labelle@cbsa-asfc.gc.ca / Tél. 905-994-6379 / ATS 866-335-3237



Canada Border
Services Agency

Agence des services
frontaliers du Canada

Upper, Kim

From: Berardi, Dave
Sent: December 18, 2020 12:23 PM
To: Michael, Connie
Cc: Upper, Kim
Subject: FW: Brief timeline for outstanding OHS agenda item - shower in men's changeroom
Attachments: Fwd: Complaint to the Labour Program

Hi Connie....

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 A labour complaint has been filed at PB re: lack of / absence of showers in male locker room area.

PB mgmt. team are working through the OHS/labour process
 From what I have been able to ascertain, Infrastructure has not been previously engaged on this particular issue. They had been involved in some improvements/expansion to the locker room (pre-2015)

Kim... please correct me if you determine otherwise.

Please liaise with Kim and team to work through the process and seek advice from s6 group and any other internal consultations that may be required.

Thanks
 Dave

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 18, 2020 11:22 AM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>; Berardi, Dave <Dave.Berardi@cbsa-asfc.gc.ca>; Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>; Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; Shedden, Jeffrey <Jeffrey.Shedden@cbsa-asfc.gc.ca>
Subject: FW: Brief timeline for outstanding OHS agenda item - shower in men's changeroom

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Dave- is there anything specific you need, please let me know. If we are advised of any changes or requirements needed, I will be sure to keep you informed.

Thanks,
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Sent: December 18, 2020 9:48 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
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- No further information as of right now.

Thanks, please let me know if you require anything further.

Sara

Upper, Kim

From: Upper, Kim
Sent: December 17, 2020 11:06 AM
To: Berardi, Dave; Durocher, Christine; Taylor, Carrie; Risk, Julie
Subject: FW: Complaint to the Labour Program

Good Morning,

Joe received the below email this morning. It appears as though an OHS employee representative has forwarded a complaint regarding the lack of adequate shower stalls in the Peace Bridge Commercial building. I am in the process of obtaining the details of the complaint- when it was raised and what has occurred. I will advise.

HRB- HQ has been engaged and is contacting the Health and Safety officer. He advises he will get back to us.

Kim

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 17, 2020 10:40 AM
To: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: Fwd: Complaint to the Labour Program

Hello Sara and Kim

Please see the email from Luc from the Labour officer regarding the complaint regarding a deficiency in shower stalls at PBC.

Luc Cherron is looking into this for us.

Regards

Joe

Sent from my iPhone

Begin forwarded message:

From: "Charron, Luc" <Luc.Charron@cbsa-asfc.gc.ca>
Date: December 17, 2020 at 10:08:54 AM EST
To: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: "Corsi, Gary" <Gary.Corsi@cbsa-asfc.gc.ca>
Subject: RE: Complaint to the Labour Program

Good morning Joe,

I will give the HSO a call to discuss his request and will get back to you,

Thank you,
Luc

From: louis.prevost@labour-travail.gc.ca <louis.prevost@labour-travail.gc.ca>
Sent: December 17, 2020 9:55 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Cc: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Subject: Complaint to the Labour Program

Hello Mr. Ryan and Corsi,

I am a Health and Safety Officer with the Federal Labour Program. In November 2020, I was assigned a complaint that came from your local workplace health and safety committee (WHSC) employee co-chair, Ryan Willick, located at the Peace Bridge Plaza in Fort Erie. This complaint relates to shower heads "Regulation IX section 9.23". In addition, allegations that the employer did not provide a written response to recommendations made by the workplace health and safety committee within 30 days after receiving them, indicating what, if any, action would be taken and when they would be taken. I have been informed by the WHSC that you are aware of this complaint which began through your internal complaint process.

The purpose of this investigation is education first and enforcement second. If violations/deficiencies are found, I will request an Assurance of Voluntary Compliance (AVC) only after providing counselling and resources.

That said, I ask for your cooperation in providing me with the following documentation in relation to Peace Bridge Border Service Officers:

- Hazard Prevention Program
- Job Hazard Analysis
- Job description
- How did the ER conclude that the function of a Peace Bridge Border Service Officer no meet the definition under section 9.23 (1)
9.23 (1) A shower room with a door fitted on the inside with a locking device and at least one shower head for every 10 employees or portion of that number shall be provided for employees who regularly perform strenuous physical work in a high temperature or high humidity or whose bodies may be contaminated by a hazardous substance.

Please provide the requested information no later then end of day December 24, 2020. After I have had a chance to review the information, a meeting with the WHSC co-chairs and your selves will be requested to discuss my findings.

Thank you for your cooperation.

Yours,

Louis Prévost

Health and Safety Officer - Occupational Health & Safety
 Agent de santé et de sécurité - santé et sécurité au travail
 Ontario Region / Région de l'Ontario
 Employment and Social Development Canada - Labour Program
 Emploi et Développement social Canada - Programme du travail
 Office / Bureau : 613-437-0536
 Toll Free/Sans frais: 1-800-641-4049
louis.prevost@labour-travail.gc.ca

Upper, Kim

From: Vanderklei, Craig
Sent: December 17, 2020 03:00 PM
To: Risk, Julie
Subject: FW: Section 127.1 Complaint
Attachments: Complaint Registration ESDC.pdf; 127.1 Change Room.docx; FW: Labour code complaint

Found it !

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Sent: November 11, 2020 2:08 PM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>
Subject: FW: Section 127.1 Complaint

fyi

Gary Corsi

Superintendent, Operations Branch
Canada Border Services Agency / Government of Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tel. : 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

From: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>
Sent: November 2, 2020 1:58 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Pilato, Adriana <Adriana.Pilato@cbsa-asfc.gc.ca>
Cc: Schultz, Diane <Diane.Schultz@cbsa-asfc.gc.ca>; Hornyak, Doug <Doug.Hornyak@cbsa-asfc.gc.ca>; Ford, Kevin <Kevin.Ford@cbsa-asfc.gc.ca>; Hodges, Kristopher <Kristopher.Hodges@cbsa-asfc.gc.ca>; Caperchione, Judy <Judy.Caperchione@cbsa-asfc.gc.ca>; Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Subject: Section 127.1 Complaint

Good Morning,

Please be advised that a complaint has been submitted to the ESDC labour program. There has been no resolution to this matter, the original complaint was submitted September 18th, 2020. I have attached the complaint form, original complaint and the e-mail correspondence I have received about this matter.

Thank you,

Ryan Willick and the PBC OHS Committee

Upper, Kim

From: Willick, Ryan
Sent: October 15, 2020 10:26 AM
To:
Subject: FW: Labour code complaint
Attachments: 127.1 Change Room.docx
Importance: High

Subject: RE: Labour code complaint
Importance: High

Gary,

I have responded in blue to your questions below. I included the health and safety team at PBC, as my role is ending in December. I have also included Chief Ryan as the OHS management rep. Let the committee know if you believe there is a contravention so we can continue this process.

Thanks,

Ryan

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Sent: October 13, 2020 10:16 AM
To: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Cc: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Subject: Labour code complaint

Mark,
 As discussed Friday, I am working on the Labour complaint that was submitted Sept 18 I

I have the following questions:

1. Why does the employee believe that there is likely to be an accident or injury to health arising out of, linked with or occurring in the course of employment?

There is no allegation of accident or injury to health in the complaint submitted Sept.18th, 2020. I have attached a copy of the complaint. The allegation is a violation of both the Canada Labour Code and Canada Occupational Health and Safety Regulations.

2. Was a Lab 1070 submitted? If so, can I please be provided a copy.

There is not LAB1070 specific to the change room. There is no LAB1070 required for this process.

thanks

Gary Corsi

Superintendent, Operations Branch

Canada Border Services Agency / Government of Canada

Gary.Corsi@cbsa-asfc.gc.ca / Tel. : 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations

Agence des services frontaliers du Canada / Gouvernement du Canada

Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

Location of complaint:

Canada Border Services Agency(CBSA), Peace Bridge Commercial
 Operations
 10 Queen street
 Fort Erie, Ontario
 L2A 6M4

The following outlines a complaint filed under Section 127.1 of Part II of the
 Canada Labour Code.

My complaint is required by section 126(1)(j) of the Canada Labour Code Part
 II, where every worker must report to the employer any situation that he/she
 believes to be a contravention of Part II of the Code by the employer, another
 worker or any other person.

Additionally, my complaint is also required under section 126(1)(g), that
 further requires that every worker must report to the employer anything or
 circumstance in a work place that is likely to be hazardous to the health or
 safety of the employee, or that of the other employees or other persons
 granted access to the work place by the employer.

My understanding is that the employer is required to respond to these
 reports as mandated in section 125(1)(z.02) of the Code.

I allege that the CBSA is providing an inadequate men's change room facility
 for the number of employee's working at Peace Bridge Commercial
 Operations. CBSA senior Occupational Health and Safety advisor Luc
 Charron has ruled "**Border Services Officers working frontline do not
 regularly perform strenuous physical work in a high temperature or high
 humidity or whose bodies may be contaminated by a hazardous
 substance**". Therefore, showers are not required to be provided by the
 employer. April 29th, 2020 via e-mail.

I allege CBSA did not provide a meaningful assessment of our current facility
 and that it adheres to the Canada Occupational Health and Safety Code.
 There was no review of our current work conditions or environment at Peace
 Bridge Commercial operations to make this assessment. In light of the recent
 COVID-19 pandemic, the inadequate shower facilities for male employees has
 been further highlighted. This issue has been on the Health and Safety
 Committee's agenda for over a year with no resolution. The employer has
 communicated they see no violation.

In my opinion, the CBSA has not complied with the following Canada Labour
 Code requirements:

-124 Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.

-125 (1) Without restricting the generality of section 124, every employer shall, in respect of every work place controlled by the employer and, in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls the activity

(a) ensure that all permanent and temporary buildings and structures meet the prescribed standards

(i) provide prescribed sanitary and personal facilities;

(j) provide, in accordance with prescribed standards, potable water

I allege that CBSA is not adhering Canada Occupational Health and Safety Regulations section 9.23(1) which states:

PART IX Sanitation:

Showers and Shower Rooms

-9.23 (1) A shower room with a door fitted on the inside with a locking device and at least one shower head for every 10 employees or portion of that number shall be provided for employees who regularly perform strenuous physical work in a high temperature or high humidity or whose bodies may be contaminated by a hazardous substance.

Clothing Storage:

9.44 (1) A change room shall be provided by the employer where

- (a) the nature of the work engaged in by an employee makes it necessary for that employee to change from street clothes to work clothes for health or safety reasons; or
- (b) an employee is regularly engaged in work in which his work clothing becomes wet or contaminated by a hazardous substance.

(5) In each change room,

- (a) a floor area of at least 0.4 m² shall be provided for each of the employees who normally use the room at any one time; and
- (b) where it is necessary for the employees to change footwear, seats shall be provided in sufficient numbers to accommodate them.

-9.45 If feasible, the clothing storage facilities referred to in section 9.43 and the change room referred to in section 9.44 shall be located:

c) near a shower room provided pursuant to section 9.23

In light of CBSA not conducting a meaningful assessment of our current work environment I request the following:

- An Independent assessment of our current change room facility be conducted immediately, to validate the Canada Occupational Health and Safety Regulations 9.23(1) and Labour code violations.
- Renovate our change room to adhere to support the number of male staff at Peace Bridge Commercial Operations.
- Consult the health and safety committee on these changes before implementing any changes.

Thank you for addressing these concerns,

and the Peace Bridge Commercial Health
and safety committee.

Upper, Kim

From: Risk, Julie
Sent: December 17, 2020 03:11 PM
To: Durocher, Christine; Taylor, Carrie
Cc: Upper, Kim
Subject: FW: Labour code complaint
Attachments: FW: Section 127.1 Complaint

Hello,

Further to your request. As per the email communication below, the Supt Corsi and Chief Ryan have been actively engaging OSH on the shower issue as well as Luc from HQ.
 The most recent discussions started October 9, 2020 from the September 18, 2020 email to the management team.
 Also attached is the complaint that went in on November 02, 2020. I am sorry I do not recall being informed about this, nor do I have the attached correspondence in my email at all.

Julie Risk

Chief of Staff to the RDG, Southern Ontario Region
 Canada Border Services Agency / Government of Canada
julie.risk@cbsa-asfc.gc.ca / Tel. (905) 650-2629

Chef de Cabinet du DGR, Région du Sud de l'Ontario
 Agence des services frontaliers du Canada / Gouvernement du Canada
julie.risk@cbsa-asfc.gc.ca / Tél. (905) 650-2629

From: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>
Sent: December 17, 2020 2:38 PM
To: Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: FW: Labour code complaint

The last I have on the shower situation is below.
 It appears to still be ongoing.
 Joe might have an update from Supt Gary Corsi on any further action taken on this one if there is anything.
 Unfortunately, I had no discussions with OHS on this.

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Sent: November 16, 2020 8:48 AM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Mabee, Paul

<Paul.Mabee@cbsa-asfc.gc.ca>; Payette, Arik <Arik.Payette@cbsa-asfc.gc.ca>

Subject: RE: Labour code complaint

Thank you Luc....I will discuss next steps with my Mgt team and advise.....

Gary Corsi

Superintendent, Operations Branch

Canada Border Services Agency / Government of Canada

Gary.Corsi@cbsa-asfc.gc.ca / Tel. : 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations

Agence des services frontaliers du Canada / Gouvernement du Canada

Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

From: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>

Sent: November 12, 2020 8:57 AM

To: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>

Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Payette, Arik <Arik.Payette@cbsa-asfc.gc.ca>

Subject: RE: Labour code complaint

Good morning Gary,

As the complaint seems to have been referred to the ESDC labour program, the next step is for the health and safety Officer (HSO) from the labour program to investigate and render a decision. If not done already, gather all related documents for submission to the HSO. The attached BSF 772 should have a conclusion and we should have a copy of the BSF 772 from the committee if they completed one. Please keep me posted.

Thank you,

Luc

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>

Sent: November 11, 2020 2:07 PM

To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>

Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>

Subject: FW: Labour code complaint

Hi Luc,

Attached is further information for this file. I made an attempt at completing BSF 772 and it is also attached. Please advise on next steps.

Thank you,

Gary Corsi

Superintendent, Operations Branch

Canada Border Services Agency / Government of Canada

Gary.Corsi@cbsa-asfc.gc.ca / Tel. : 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

From: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>
Sent: November 6, 2020 7:00 PM
To: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Cc: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>; Schultz, Diane <Diane.Schultz@cbsa-asfc.gc.ca>; Hodges, Kristopher <Kristopher.Hodges@cbsa-asfc.gc.ca>; Hornyak, Doug <Doug.Hornyak@cbsa-asfc.gc.ca>; Ford, Kevin <Kevin.Ford@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>
Subject: RE: Labour code complaint

Gary,

I want to apologize for not including you in the e-mail thread. I'm used to sending the health and safety e-mails to the OHS team and the Chiefs. It was not intentional to skip over you in the e-mail chain, as you can see I started the reply with "Gary" believing I was replying to you. That was my error completely.

In answering your question below "Why does the employee believe there is likely to be an accident or injury to health arising out of, linked with, or occurring in the course of employment?"

There is an inherent risk that comes with being a Border Services Officer. In the last two years CBSA has built Designated Safe Examination Areas(DSEA), which we have at PBC. There is a whole policy suite on ATLAS that deals with Highly Toxic Substances(HTS):

This DSEA room was built to acknowledge the inherent risk to health when dealing with HTS. If multiple BSO's were exposed to a HTS and needed to shower immediately, it would not be possible with our current set up. In the event that the contamination of any HTS were to be absorbed on the clothing and skin, it would be reasonable that a BSO would want to shower immediately.

In the policy suite for Highly Toxic Substances dated June 2020:

Section 3.4 Exposure to a suspected HTS *"If there is skin contact with a suspected HTS, wash the affected area with soap and water to dilute the potency and absorption potential"*

We have a emergency shower on the examination dock, but you would be unable to fully shower to ensure potential contaminates are washed away. This is especially true if more than one BSO was contaminated. There could be no timely way to use the single shower in the change room. There is a likely risk that there could be an injury to health linked with, or occurring in the course of our employment.

Additionally to the above question I would like to elaborate on why the complaint was filed to the labour program by the Health and Safety committee. This decision was not made lightly.

You will see in the attached OHS minutes 2019/2020 and e-mail correspondence, the committee along with [redacted] has explored every avenue to come to find a solution to the change room complaint. I have been educating myself along the way about the process and believe the Health and Safety committee has done it's due diligence in trying to find a solution to this issue.

On February 8th 2019 [redacted] sent an e-mail to the Chiefs of PBC and included all the Superintendents outlining his concerns with the current set up of the change room at PBC.

Throughout March and April 2019 [redacted] sent e-mails to management voicing his concerns with the current set up of our change room facility, seeking any updates. [redacted] has a copy of those e-mails.

On April 2019 the issue ended up on the OHS agenda for the first time. I have attached the 2019 minutes of when the issue was discussed at meetings. The upstairs male change room was split that year, moving some male BSO's downstairs. This was only a temporary solution and considered not resolved. We currently have three male change room locations and one single shower. The square footage is also an issue that was raised in the complaint process.

The issue remained on the OHS agenda throughout 2020. I have attached the OHS minutes for 2020 as well.

On April 3rd 2020 in the attached e-mail correspondence, I brought forward concerns about the violations under the Canadian Occupational Health and Safety Regulations. I sent that to both the Chair and Co-chair, at the time, of our health and safety committee.

On April 29th, 2020 we received a communication from senior OHS advisor Luc Charon indicating they do not find the allegations founded. I referenced this in the 127.1 Labour code complaint as well. This specific ruling, from Luc Charon, our committee decided they could not accept was the following:

" BSO working frontline do not regularly perform strenuous physical work in a high temperature or high humidity or whose bodies may be contaminated by a hazardous substance". Therefore, showers are not required to be provided by the employer.

Working on the HCVM truck , standing on asphalt in the summer months, is one instance where we are exposed to high heat and humidity. Daily on our examination dock we have cargo that is offloaded that contains hazardous substances, including containers from all around the world. We have our UPS facility where BSO's have been exposed to hazardous substances and narcotics. We can provide a LAB1070 showing this hazardous occurrence. CBSA built a DSEA room to handle hazardous or highly toxic substances. The

OHS committee feels that this statement from HQ is inaccurate reflection of our work environment.

The OHS committee decided the issue was not resolved and kept the issue on the OHS agenda. The committee asked for a response from the Chiefs as a final attempt to resolve the change room issue. On July 10th 2020 we received a response via Supt. Mabee that locally management agrees with HQ's assessment. I have attached the e-mail.

The OHS committee took every reasonable step to resolve this issue prior to filing a complaint with the labour program. If at a local level management indicated they agree with the assessment from HQ, there can be no resolution. The conclusion has already been reached by management.

The health and safety committee thoroughly reviewed the complaint, brought forward by and agree there is a violation of the Canadian Occupational Health and Safety Regulations. We believe we have fulfilled the legislative framework to resolve a 127.1 labour code complaint. The complaint registration to the ESDC Labour program was the only option remaining.

I will ensure you are point of contact moving forward, I have also included the members of the health and safety committee my term is coming to an end next month. I was not able to attach a folder for the minutes, that's why it shows individual attachments.

Thank you,

PBC OHS team/

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Sent: November 2, 2020 10:20 PM
To: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>; Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>
Subject: RE: Labour code complaint

Gents,
 Thanks for the reply, however it's important that you read the email carefully.....I did not imply or suggest there was an allegation of injury or accident. My question is:

Why does the employee believe there is likely to be an accident or injury to health arising out of, linked with, or occurring in the course of employment?

Also, as you can see from this thread, I was not included in the Oct 14 email, so this is my first time seeing your response.

Moving forward, I would appreciate being the first point of contact for this file as it was assigned to me by the Chief. In the event I do not respond in a timely manner due to a scheduling conflict, leave or oversight, I would appreciate a follow up email prior to going directly to the Chief.

thanks

Gary Corsi

Superintendent, Operations Branch
Canada Border Services Agency / Government of Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tel. : 905-994-6444 / TTY: 866-335-3237

Surintendant, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

From: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Sent: November 2, 2020 8:40 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>; Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Subject: FW: Labour code complaint
Importance: High

Hey Joe,

Here is the email for our response to Gary's questions back on Oct 14th. I have highlighted the reply in red this time. Let me know if you need anything else.

Thank you,
Mark/Ryan

From: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>
Sent: October 14, 2020 8:27 AM
To: Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>; Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>; Ford, Kevin <Kevin.Ford@cbsa-asfc.gc.ca>; Hornyak, Doug <Doug.Hornyak@cbsa-asfc.gc.ca>; Caperchione, Judy <Judy.Caperchione@cbsa-asfc.gc.ca>; Hodges, Kristopher <Kristopher.Hodges@cbsa-asfc.gc.ca>
Subject: RE: Labour code complaint
Importance: High

Gary,

I have responded in blue to your questions below. I included the health and safety team at PBC, as my role is ending in December. I have also included Chief Ryan as the OHS management rep. Let the committee know if you believe there is a contravention so we can continue this process.

Thanks,

Ryan

From: Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Sent: October 13, 2020 10:16 AM
To: Hall, Mark <Mark.Hall@cbsa-asfc.gc.ca>
Cc: Willick, Ryan <Ryan.Willick@cbsa-asfc.gc.ca>; Mabee, Paul <Paul.Mabee@cbsa-asfc.gc.ca>; Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Subject: Labour code complaint

Mark,
As discussed Friday, I am working on the Labour complaint that was submitted Sept 18

I have the following questions:

1. Why does the employee believe that there is likely to be an accident or injury to health arising out of, linked with or occurring in the course of employment?

There is no allegation of accident or injury to health in the complaint submitted Sept.18th, 2020. I have attached a copy of the complaint. The allegation is a violation of both the Canada Labour Code and Canada Occupational Health and Safety Regulations.

2. Was a Lab 1070 submitted? If so, can I please be provided a copy.

There is not LAB1070 specific to the change room. There is no LAB1070 required for this process.

thanks

Gary Corsi

Superintendent, Operations Branch
Canada Border Services Agency / Government of Canada
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Agence des services frontaliers du Canada / Gouvernement du Canada
Gary.Corsi@cbsa-asfc.gc.ca / Tél. : 905-994-6444 / ATS : 866-335-3237

Upper, Kim

From: Vanderklei, Craig
Sent: December 17, 2020 02:52 PM
To: Risk, Julie; LaBelle, Sara; Upper, Kim
Subject: FW: HCVM Labour code complaint 127.1
Attachments: RE: Complaint to the Labour Program

And here is the reply you are looking for.
 Its with Luc.

From: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Sent: December 17, 2020 2:49 PM
To: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Subject: RE: HCVM Labour code complaint 127.1

Yes, I called the Labour Officer to discuss his request and am waiting for him to call back. I believe he is going beyond and over the scope of his investigation and want to bring things to his attention which may be beneficial for management. You can wait until I have a conversation with him before responding to his request.

Thank you,
 Luc

From: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>
Sent: December 17, 2020 2:41 PM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: RE: HCVM Labour code complaint 127.1

Thank you Luc. Do we have anything updated on the Shower issue at PB Commercial?
 I believe Supt Gary Corsi may have corresponded with you on it?

From: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Sent: December 17, 2020 2:39 PM
To: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: RE: HCVM Labour code complaint 127.1

Hi Craig,

Please find attached the last correspondence from me to Paul Mabee on the topic.

From: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>
Sent: December 17, 2020 2:23 PM
To: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: FW: HCVM Labour code complaint 127.1

Hi Luc
 In Joe's absence can you let me know where these were left as far as responses?

Thank you
Craig

From: Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Sent: December 17, 2020 1:38 PM
To: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>
Cc: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: FW: HCVM Labour code complaint 127.1

Hi Craig.
I believe Kim has asked you about these. Do you know if we got a response back to them?
I have nothing in my emails.

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 17, 2020 1:31 PM
To: Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Cc: Taylor, Carrie <Carrie.Taylor@cbsa-asfc.gc.ca>
Subject: FW: HCVM Labour code complaint 127.1

Thanks Julie—we had 30 days to provide a response—was it provided?

Chris

From: Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Sent: December 17, 2020 1:21 PM
To: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Cc: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: FW: HCVM Labour code complaint 127.1

Hello Christine,
I found some info
Both of these complaints had gone up to Luc Charone.
Originally, we sent the issue to him or Janand it may have been at the time in May 2019 and if I recall it was determined that the work they do did not qualify as strenuous.
I believe Craig has more details on it.

Joe Ryan was the lead on them and had discussions with Luc on both the HCVM and shower issue on September 22, 2020.

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: September 22, 2020 10:03 PM
To: Risk, Julie <Julie.Risk@cbsa-asfc.gc.ca>
Cc: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>
Subject: Fwd: HCVM Labour code complaint 127.1

I will be speaking with Luc Cherron tomorrow on the first Labour complaint and being this forward as well.

Sent from my iPhone

Begin forwarded message:

From: "Willick, Ryan" <Ryan.Willick@cbsa-asfc.gc.ca>
Date: September 22, 2020 at 9:21:56 PM EDT
To: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>, "Vanderklei, Craig" <Craig.Vanderklei@cbsa-asfc.gc.ca>, "Mabee, Paul" <Paul.Mabee@cbsa-asfc.gc.ca>, "Rondinelli, Joshua" <Joshua.Rondinelli@cbsa-asfc.gc.ca>
Cc: "Caperchione, Judy" <Judy.Caperchione@cbsa-asfc.gc.ca>, "Hornyak, Doug" <Doug.Hornyak@cbsa-asfc.gc.ca>, "Ford, Kevin" <Kevin.Ford@cbsa-asfc.gc.ca>, "Tufts, Lawrence" <Lawrence.Tufts@cbsa-asfc.gc.ca>
Subject: HCVM Labour code complaint 127.1

Good evening,

Please see the attached complaint, in regards to the HCVM, under 127.1(1) of the Canada Labour code for Peace Bridge Commercial Operations.

Thank you for addressing these concerns,

OHS team Peace Bridge Commercial

Upper, Kim

From: Charron, Luc
Sent: December 17, 2020 10:09 AM
To: Ryan, Joe
Cc: Corsi, Gary
Subject: RE: Complaint to the Labour Program

Good morning Joe,

I will give the HSO a call to discuss his request and will get back to you,

Thank you,
 Luc

From: louis.prevost@labour-travail.gc.ca <louis.prevost@labour-travail.gc.ca>
Sent: December 17, 2020 9:55 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Cc: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Subject: Complaint to the Labour Program

Hello Mr. Ryan and Corsi,

I am a Health and Safety Officer with the Federal Labour Program. In November 2020, I was assigned a complaint that came from your local workplace health and safety committee (WHSC) employee co-chair, located at the Peace Bridge Plaza in Fort Erie. This complaint relates to shower heads "Regulation IX section 9.23". In addition, allegations that the employer did not provide a written response to recommendations made by the workplace health and safety committee within 30 days after receiving them, indicating what, if any, action would be taken and when they would be taken. I have been informed by the WHSC that you are aware of this complaint which began through your internal complaint process.

The purpose of this investigation is education first and enforcement second. If violations/deficiencies are found, I will request an Assurance of Voluntary Compliance (AVC) only after providing counselling and resources.

That said, I ask for your cooperation in providing me with the following documentation in relation to Peace Bridge Border Service Officers:

- Hazard Prevention Program
- Job Hazard Analysis
- Job description
- How did the ER conclude that the function of a Peace Bridge Border Service Officer no meet the definition under section 9.23 (1)
9.23 (1) A shower room with a door fitted on the inside with a locking device and at least one shower head for every 10 employees or portion of that number shall be provided for employees who regularly perform strenuous physical work in a high temperature or high humidity or whose bodies may be contaminated by a hazardous substance.

Please provide the requested information no later then end of day December 24, 2020. After I have had a chance to review the information, a meeting with the WHSC co-chairs and your selves will be requested to discuss my findings.

Thank you for your cooperation.

Yours,

Louis Prévost

Health and Safety Officer - Occupational Health & Safety
Agent de santé et de sécurité - santé et sécurité au travail
Ontario Region / Région de l'Ontario
Employment and Social Development Canada - Labour Program
Emploi et Développement social Canada - Programme du travail
Office / Bureau : 613-437-0536
Toll Free/Sans frais: 1-800-641-4049
louis.prevast@labour-travail.gc.ca

Upper, Kim

From: Libby, Mike
Sent: December 8, 2020 11:50 AM
To: Upper, Kim; Vanderklei, Craig
Subject: RE: Paying OT for OHS Members

If there is an OHS meeting scheduled:

1. OHS member is on a DR – do you approve OT for them to attend?...For DR we give them their choice time or OT
However, that is done sparingly as usually we can move things around to avoid it exception being id OSH
Member is on Midnights
2. OHS member is on a different shift – do you do a shift change so they can attend, OR approve OT? We look to
shift change ...I have not done early call in or holdover OT for OSH...And shift change is unpaid

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 8, 2020 10:26 AM
To: Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>; Libby, Mike <Mike.Libby@cbsa-asfc.gc.ca>
Subject: FW: Paying OT for OHS Members

Can you guys please advise on the answers to these questions. I suspect I know the answer, but want to confirm.... I think it was you and I Craig, who talked about this recently. But want to confirm....

From: Nguyen, An <An.Nguyen@cbsa-asfc.gc.ca>
Sent: December 8, 2020 10:19 AM
To: McMahon, Joe <Joe.McMahon@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; Walters, Jeff <Jeff.Walters@cbsa-asfc.gc.ca>; Beck, Eric <Eric.Beck@cbsa-asfc.gc.ca>
Subject: Paying OT for OHS Members

Hi Directors,

Just a couple of questions to make sure we're being consistent here with everyone else in the region.

If there is an OHS meeting scheduled:

3. OHS member is on a DR – do you approve OT for them to attend?...For DR we give them their choice time or OT
However, that is done sparingly as usually we can move things around to avoid it exception being id OSH
Member is on Midnights
4. OHS member is on a different shift – do you do a shift change so they can attend, OR approve OT? We look to
shift change ...I have not done early call in or holdover OT for OSH...And shift change is unpaid

For #2, OHS here is questioning shift changes and suggesting the option of OT should be available.

Thanks!

An Nguyen

Director | Operations Branch
Canada Border Services Agency | Government of Canada
an.nguyen@cbsa-asfc.gc.ca | Tel.: 519-344-7351 | TTY: 866-335-3237

Directeur | Direction générale des opérations
Agence des services frontaliers du Canada | Gouvernement du Canada
an.nguyen@cbsa-asfc.gc.ca | Tél.: 519-344-7351 | ATS: 866-335-3237

-----Original Message-----

From: McIntyre, Jeff <Jeff.McIntyre@cbsa-asfc.gc.ca>

Sent: December 1, 2020 10:41 AM

To: Lafferty, Daniel <Daniel.Lafferty@cbsa-asfc.gc.ca>; Libby, Mike <Mike.Libby@cbsa-asfc.gc.ca>

Cc: Baskerville, Gregory <Gregory.Baskerville@cbsa-asfc.gc.ca>; Belic, Ryan <Ryan.Belic@cbsa-asfc.gc.ca>;

Connaughton, Jim <Jim.Connaughton@cbsa-asfc.gc.ca>; Denis, Stephanie <Stephanie.Denis@cbsa-asfc.gc.ca>; Fowler,

Adam <Adam.Fowler@cbsa-asfc.gc.ca>; Hollands, Eric <Eric.Hollands@cbsa-asfc.gc.ca>; House, Michael

<Michael.House@cbsa-asfc.gc.ca>; House, Randy <Randy.House@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-

asfc.gc.ca>; Lafferty, Daniel <Daniel.Lafferty@cbsa-asfc.gc.ca>; Libby, Mike <Mike.Libby@cbsa-asfc.gc.ca>; McIntyre,

Jeff <Jeff.McIntyre@cbsa-asfc.gc.ca>; Nelson, Steve <Steve.Nelson@cbsa-asfc.gc.ca>; Perchaluk, Jay

<Jay.Perchaluk@cbsa-asfc.gc.ca>; Raj, Nadia <Nadia.Raj@cbsa-asfc.gc.ca>; Reece, Erika <Erika.Reece@cbsa-asfc.gc.ca>;

Robbins, Noreen <Noreen.Robbins@cbsa-asfc.gc.ca>; Roberts, Keely <Keely.Roberts@cbsa-asfc.gc.ca>; Turner,

StephanieA <Stephanie.Turner@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>

Subject: OHS Meeting - employee concerns

Hey everyone,

We had a very spirited OHS meeting on Friday. While I was able to address some of the questions and concerns, there were others that I could not. So upon request of the employees on the committee I'm wondering if I could get some feedback on the following questions/concerns. I was going to bring this up at the Supt's meeting today but won't be able to attend as I am on training.

Does management have a mechanism to send employees who are visibly ill home if that person doesn't want to use, or doesn't have any sick time? It has happened several times recently where employees have been visibly ill and coughing all over the place but have chosen to come to work and not stay home.

Enforcement Issues - (Traffic, UPS, Comm Ops)

As the pandemic worsens why are officers being told to do enforcement projects that have not and would not happen during normal non-Covid times?

RPU

BSOs feel that it is a health and safety issue to have other officers shadowing them in their offices. Shadows can not socially distance from EO while remaining behind plexiglass thus exposing them to the refugees. This could prevent them from being able to social distance from the refugees, particularly when others such as family members or interpreters are in the room. As well, shadows from Queenston and Rainbow unnecessarily increase chance for spread of Covid through work locations.

EHP

For the few months of the pandemic regional management and HQ were sending out emails stating how important it was to protect worker's physical and mental health. Those emails explained the importance of the measures being taken including EHP for protecting employees.

Now that pandemic is worsening, especially in US, why is EHP being halved, thus doubling the number of officers that could be exposed if there were an outbreak on a given day? (this question seems all the more relevant after the situation with the BSO on Friday)

They are concerned that EHP will be cancelled without explanation as it was for the supts and create an excessive number of officers in the workplace, increasing the chances for outbreak.

Does management realize the mental health impacts that the lack of transparency and communication regarding these issues are having? They don't feel that superintendents are adequately able to answer their questions and concerns, thus leading to higher stress levels and lower morale.

No concerns or complaints regarding increased training as long as protocols are followed.

I know this is a lot, so any input on how I can respond to their questions / concerns would be appreciated. Many of these concerns were not put forward by committee members but through them from other staff members.

Thanks,

Mac

Upper, Kim

From: Upper, Kim
Sent: December 18, 2020 02:44 PM
To: 'gus kontogianis'; 'Brian and Kristin Peters'
Cc: LaBelle, Sara; Lafferty, Daniel; Ryan, Joe; Vanderklei, Craig
Subject: RE: 2020-2021 Vacation Leave and Compensatory Time

Hi Gus,

The expectation will be for all employees, including those on 69XX leave, request and use their vacation leave credits during the fiscal year in which they are earned. Management will make every reasonable effort to provide an employee's vacation leave as requested, keeping in mind that we of course, must still be able to run our operations, so we may not be able to grant all of that leave from now until March 31st.

In regards to the reference to 262.5, employees are expected to work with their Managers to request annual leave to ensure any balance in excess of 262.5 hours is used by March 31, 2021.

Thanks,

Kim Upper

A/Director, Fort Erie District
 Canada Border Services Agency / Government of Canada
Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie
 Agence des services frontaliers du Canada / Gouvernement du Canada
Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

From: gus kontogianis
Sent: December 17, 2020 12:29 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>; 'Brian and Kristin Peters'
Subject: FW: 2020-2021 Vacation Leave and Compensatory Time

Hi Kim,

In regards to the e-mail from the RDG regarding vacation leave, does this apply to all employees, even those currently on 69xx leave?

Also, I do not see any mention of being available to accumulate up to 262.50 hours of leave as has been the past practice in Fort Erie District for close to 21 years.

Is the employer's position that everyone will need to use their earned vacation allotment for fiscal 2020-2021, and that employees will not be allowed to accumulate any leave for this fiscal year? In essence, will every person's starting vacation leave balance for 2021-2022 will be the same as it was for 2020-2021?

Thanks,

Gus

Upper, Kim

From: Upper, Kim
Sent: December 17, 2020 11:06 AM
To: Berardi, Dave; Durocher, Christine; Taylor, Carrie; Risk, Julie
Subject: FW: Complaint to the Labour Program

Good Morning,
Joe received the below email this morning. It appears as though an OHS employee representative has forwarded a complaint regarding the lack of adequate shower stalls in the Peace Bridge Commercial building. I am in the process of obtaining the details of the complaint- when it was raised and what has occurred. I will advise.
HRB- HQ has been engaged and is contacting the Health and Safety officer. He advises he will get back to us.

Kim

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 17, 2020 10:40 AM
To: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>; Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: Fwd: Complaint to the Labour Program

Hello Sara and Kim

Please see the email from Luc from the Labour officer regarding the complaint regarding a deficiency in shower stalls at PBC.

Luc Cherron is looking into this for us.

Regards

Joe

Sent from my iPhone

Begin forwarded message:

From: "Charron, Luc" <Luc.Charron@cbsa-asfc.gc.ca>
Date: December 17, 2020 at 10:08:54 AM EST
To: "Ryan, Joe" <Joe.Ryan@cbsa-asfc.gc.ca>
Cc: "Corsi, Gary" <Gary.Corsi@cbsa-asfc.gc.ca>
Subject: RE: Complaint to the Labour Program

Good morning Joe,

I will give the HSO a call to discuss his request and will get back to you,

Thank you,
Luc

From: louis.prevost@labour-travail.gc.ca <louis.prevost@labour-travail.gc.ca>
Sent: December 17, 2020 9:55 AM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; Corsi, Gary <Gary.Corsi@cbsa-asfc.gc.ca>
Cc: Charron, Luc <Luc.Charron@cbsa-asfc.gc.ca>
Subject: Complaint to the Labour Program

Hello Mr. Ryan and Corsi,

I am a Health and Safety Officer with the Federal Labour Program. In November 2020, I was assigned a complaint that came from your local workplace health and safety committee (WHSC) employee co-chair, Ryan Willick, located at the Peace Bridge Plaza in Fort Erie. This complaint relates to shower heads "Regulation IX section 9.23". In addition, allegations that the employer did not provide a written response to recommendations made by the workplace health and safety committee within 30 days after receiving them, indicating what, if any, action would be taken and when they would be taken. I have been informed by the WHSC that you are aware of this complaint which began through your internal complaint process.

The purpose of this investigation is education first and enforcement second. If violations/deficiencies are found, I will request an Assurance of Voluntary Compliance (AVC) only after providing counselling and resources.

That said, I ask for your cooperation in providing me with the following documentation in relation to Peace Bridge Border Service Officers:

- Hazard Prevention Program
- Job Hazard Analysis
- Job description
- How did the ER conclude that the function of a Peace Bridge Border Service Officer no meet the definition under section 9.23 (1)
9.23 (1) A shower room with a door fitted on the inside with a locking device and at least one shower head for every 10 employees or portion of that number shall be provided for employees who regularly perform strenuous physical work in a high temperature or high humidity or whose bodies may be contaminated by a hazardous substance.

Please provide the requested information no later then end of day December 24, 2020. After I have had a chance to review the information, a meeting with the WHSC co-chairs and your selves will be requested to discuss my findings.

Thank you for your cooperation.

Yours,

Louis Prévost

Health and Safety Officer - Occupational Health & Safety
 Agent de santé et de sécurité - santé et sécurité au travail
 Ontario Region / Région de l'Ontario
 Employment and Social Development Canada - Labour Program
 Emploi et Développement social Canada - Programme du travail
 Office / Bureau : 613-437-0536
 Toll Free/Sans frais: 1-800-641-4049
 louis.prevost@labour-travail.gc.ca

Upper, Kim

From: Upper, Kim
Sent: December 14, 2020 05:02 PM
To: Ryan, Joe
Subject: RE: AMENDED telephone script - email script amended to include message on management scheduling leave if no plan is provided.

I believe the direction given was clear though....

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 14, 2020 4:50 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: RE: AMENDED telephone script - email script amended to include message on management scheduling leave if no plan is provided.

The contract allows for the carry over of 262.5 – could prove to be a contentious issue if we have those on 69XX leave use all of their allotted leave for the year, but allow those at work to carry over 262.5.

I believe this is the sticking point.

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 14, 2020 4:39 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: RE: AMENDED telephone script - email script amended to include message on management scheduling leave if no plan is provided.

Ok, thanks
That was my understanding Full yearly allotment for people on 69XX leave with pay....

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 14, 2020 4:36 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: RE: AMENDED telephone script - email script amended to include message on management scheduling leave if no plan is provided.

We are seeking clarification from LR

Joe

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 14, 2020 4:35 PM
To: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: RE: AMENDED telephone script - email script amended to include message on management scheduling leave if no plan is provided.

Thanks Joe,
For those that are on 69XX leave.... Isn't the communication that they are to use their earned allotment? (the 262.50 doesn't come into play here, correct?)

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 14, 2020 10:10 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: FW: AMENDED telephone script - email script amended to include message on management scheduling leave if no plan is provided.
Importance: High

Calls are being made today by Nadia and Darren using the script below

Regards

Joe

From: Ryan, Joe
Sent: December 11, 2020 7:33 PM
To: Raj, Nadia <Nadia.Raj@cbsa-asfc.gc.ca>; Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Cc: Stagg, Robert <Robert.Stagg@cbsa-asfc.gc.ca>
Subject: RE: AMENDED telephone script - email script amended to include message on management scheduling leave if no plan is provided.
Importance: High

Hello Nadia and Darren,

Please see Amended version below that includes management right to schedule vacation leave if no leave plan is submitted by the employee

Thank you,

Joe

From: Ryan, Joe
Sent: December 11, 2020 4:25 PM
To: Raj, Nadia <Nadia.Raj@cbsa-asfc.gc.ca>; Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Cc: Stagg, Robert <Robert.Stagg@cbsa-asfc.gc.ca>; Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Subject: telephone script - email script
Importance: High

Hello Nadia and Darren,

Please see the information provided by LR to assist with your telephone and email communications, regarding vacation utilization, for those away from work on 69XX leave.

Regards

Joe

Telephone conversation

Hello _____

I hope you are safe and well.

I am calling to remind you that vacation leave should be taken in the year that it is earned.

This includes employees who are on leave with pay for other reasons related to the pandemic during fiscal year up to March 31, 2021.

Earned and accumulated vacation leave entitlements should **not exceed** the maximum carry-over balance, as provided for in applicable collective agreements.

Note: For your reference, the Border Services (FB) and Program and Administrative Services (PA) collective agreements provide for a maximum of 262.5 hours that can be carried over into fiscal year 2021-2022.

As such, employees are expected to take all vacation leave entitlements that are in excess of the maximum carry-over amount **before** March 31, 2021.

Although it is tracked separately, phoenix damages leave, if applicable, is included in the total carry-over amount.

In the next few days you will receive an email to request and use your vacation leave credits earned this past year 2020-21, as a follow to this telephone conversation.

Please submit your vacation leave requests to the attention of Supt. Darren Smith and Supt. Nadia Raj prior to January 4, 2021 (for the fiscal year up to March 31, 2021) to adhere to the maximum carry-over vacation leave balance.

In the absence of a plan regarding the use of excess leave Supt Smith or Raj will be in contact with you to explore options and to develop a plan to ensure carry-over maximums are respected.

If you do not communicate a plan on how you would like to use your excess vacation leave, Supt Smith or Raj may schedule this leave as deemed appropriate.

Thank you,

Darren Smith
Nadia Raj

Email

Hello _____

I hope you are continuing to be well and safe during these unprecedented times.

I am writing to remind you that vacation leave should be taken in the year that it is earned.

This includes employees who are on leave with pay for other reasons related to the pandemic during fiscal year up to March 31, 2021.

Earned and accumulated vacation leave entitlements should **not exceed** the maximum carry-over balance, as provided for in applicable collective agreements.

Note: For your reference, the Border Services (FB) and Program and Administrative Services (PA) collective agreements provide for a maximum of 262.5 hours that can be carried over into fiscal year 2021-2022.

As such, employees are expected to take all vacation leave entitlements that are in excess of the maximum carry-over amount **before** March 31, 2021.

Although it is tracked separately, phoenix damages leave, if applicable, is included in the total carry-over amount.

Please submit your vacation leave requests to the attention of Supt. Darren Smith and Supt. Nadia Raj prior to January 4, 2021 (for the fiscal year up to March 31, 2021) to adhere to the maximum carry-over vacation leave balance.

In the absence of a plan regarding the use of excess leave Supt. Smith or Raj will be in contact with you to explore options and to develop a plan to ensure carry-over maximums are respected.

If you do not communicate a plan on how you would like to use your excess vacation leave, Supt. Smith or Raj may schedule this leave as deemed appropriate.

Should you have any questions you may contact me via email or at the number listed below.

Thank you,

Darren Smith
Nadia Raj

Chief, Operations Branch
Canada Border Services Agency / Government of Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tel. : 905-994-6309

Chef, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada
Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309 .

Upper, Kim

From: Upper, Kim
Sent: December 11, 2020 12:05 PM
To: 'gus kontogianis'
Cc: 'Brian and Kristin Peters'; LaBelle, Sara; Lafferty, Daniel;
Ryan, Joe; Vanderklei, Craig
Subject: RE: Nov 9th leave guidelines

Yes, it includes them-
15 full 69XX and 5 partials assigned to traffic and commercial ops

From: gus kontogianis
Sent: December 11, 2020 11:51 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: 'Brian and Kristin Peters'
Subject: RE: Nov 9th leave guidelines

Hi Kim,

Does your number of 24 full 69xx employees include the Nexus/Fast Enrolment Centre?

If so, can you please let me know how many of the 24 are actually assigned to Traffic and Commercial Operations?

Thanks,

Gus

From: Upper, Kim [<mailto:Kim.Upper@cbsa-asfc.gc.ca>]
Sent: December-11-20 10:32 AM
To: gus kontogianis
Cc: 'DIANE SCHULTZ'; 'Brian and Kristin Peters'; LaBelle, Sara; Lafferty, Daniel; Ryan, Joe; Vanderklei, Craig
Subject: RE: Nov 9th leave guidelines

Hi Gus,

You are welcome.

Looks like 5 of the 29 are partials.

We will be proceeding with the conversations and request for vacation leave plans, as regardless if work is able to be assigned, the expectation is that employees use their earned vacation leave in the year it is earned.

thanks

From: gus kontogianis
Sent: December 11, 2020 10:26 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: 'DIANE SCHULTZ' 'Brian and Kristin Peters'
Subject: RE: Nov 9th leave guidelines

Hi Kim,

Thanks for the update.

Can you please let me know how many of the 29 are on full 69xx and how many are on partial 69xx leave?

As for the example I sent you, other examples specifically state the use of other paid leave. That specific category does not. I'm wondering if you can seek clarification for me.

Additionally, will the employer be holding off on having employees using their leave balances until such time as information regarding available work is communicated to them? I would hope that the discussion about available work would happen before the employer approaches people in regards to providing a plan for liquidation of leave.

Thanks again,

Gus

From: Upper, Kim [<mailto:Kim.Upper@cbsa-asfc.gc.ca>]

Sent: December-11-20 10:07 AM

To: gus kontogianis

Cc: 'Brian and Kristin Peters'; 'DIANE SCHULTZ'; LaBelle, Sara; Lafferty, Daniel; Ryan, Joe; Vanderklei, Craig

Subject: RE: Nov 9th leave guidelines

Hi Gus,

The FED currently has 29 employees on 69XX leave- some of them are partial 69XX leave.

There is work currently underway through the Workforce Management Strategy to identify work that can be assigned to employees on 69XX leave. I believe we should see more information about this very soon.

Employees will be expected to use their entire earned allotment for the year. Each case will be reviewed on a case by case basis... all leave options will be explored. Once all leave options have been considered and relevant paid leave has been taken, "other leave with pay" may be granted- again on a case by case basis.

For the example you outline below- it is my understanding that employees are still expected to use their vacation allotment in the year that it is earned.

We should be receiving more information regarding available work for employees currently on 69XX leave. I will be sure to keep you apprised on the progress.

Thanks,

Kim Upper

A/Director, Fort Erie District

Canada Border Services Agency / Government of Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie

Agence des services frontaliers du Canada / Gouvernement du Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

From: gus kontogianis
Sent: December 10, 2020 4:43 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: 'Brian and Kristin Peters' <
Subject: RE: Nov 9th leave guidelines 'DIANE SCHULTZ'

Hi Kim,

Thank you for the update.

I have some questions to pose to you.

How many employees in the Fort Erie District are currently on 69xx leave?

Has the employer been able to secure any telework for any of the BSO's on 69xx leave? I know we spoke about this on the last few COVID calls.

With respect to vacation leave, will the employees have to use their entire earned allotment for this year, or just the excess over 262.50 hours (if they are currently over that amount)?







Once the employer is provided with a vacation leave plan, and the employee runs out of vacation leave, then what is the next step?

As you can well understand, after the employer speaks to the member, the member's next phone call will be to me. I want to be able to answer any questions that my members will pose to me.

Thanks,

Gus

Technological or work limitations due to COVID

|  | I am unable to work some or all of my normal hours because: |  | What are |
|---|---|---|--|
|  | I do not have access to the tools (equipment, software, internet, etc.) required to do my work |  | Discuss w alternate v location (t is availabl |
|  | My work requires me to be onsite, but I cannot report to work due to building closures or attendance restrictions |  | If these op eligible fo |

From: Upper, Kim [<mailto:Kim.Upper@cbsa-asfc.gc.ca>]
Sent: December-10-20 12:44 PM
To:
Subject: Nov 9th leave guidelines

Good Afternoon Gus,

Wanted to make you aware that the Fort Erie District (as well as other Districts in SOR) will be following the Treasury Board/Government of Canada leave guidelines with respect to "Other leave with Pay" (69XX) that was issued on November 9th 2020. Additionally, Management will be contacting employees on 69XX leave to seek their vacation leave plans. It will be expected that employees use the vacation leave earned this year. We will be requesting their vacation leave plans as soon as possible, or no later than January 4th 2021. I anticipate management will be contacting employees over the next week or so.

I am available to discuss if you have any questions. If your questions are in relation to specific cases, please direct them to the employees manager/Chief.

Thank you,

Kim Upper

A/Director, Fort Erie District

Canada Border Services Agency / Government of Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie

Agence des services frontaliers du Canada / Gouvernement du Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237



Virus-free. www.avq.com

Upper, Kim

From: Upper, Kim
Sent: December 11, 2020 09:42 AM
To: Lafferty, Daniel; LaBelle, Sara; Ryan, Joe; Vanderklei, Craig
Subject: FW: Leave Liability
Attachments: Vacation leave (1).docx; FED Leave Liability 20201128.xlsx

HI Team,
Please see message below. CIU has been briefed. The liability report is attached. There are a lot of hours to be used... 3463 approx for the district. I know work has already started in October with respect to getting leave balances under 262.50... please follow up with the admin supts and ensure this is on track to be accomplished.

The contact with 69XX can begin immediately.

Thanks all

Kim Upper

A/Director, Fort Erie District
Canada Border Services Agency / Government of Canada
Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie
Agence des services frontaliers du Canada / Gouvernement du Canada
Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

From: Durocher, Christine <Christine.Durocher@cbsa-asfc.gc.ca>
Sent: December 10, 2020 5:27 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: Leave Liability

Good evening Kim,

I am writing to follow-up on our executive team discussion from yesterday as it relates to reducing annual leave balances, all employee messaging that was expected and my promise to share a spreadsheet on vacation balances over 262.50.

I note that they have posted on Atlas the messaging I referenced (below), I have attached the capsule on leave as well as the spreadsheet of those with balances in excess of 262.50. Further, the capsule is clear that all staff are to use their leave in the year it is earned.

I would therefore ask that you please brief your local CIU President and have your management team begin the process to request vacation plans for all staff that have not

used their annual allotment (including those on 69XX) and ensure those with hours in excess of 262.50 have reduced their balances by March 31st.

Thank you in advance,

Christine

From: CBSA-ASFC_Insider-Manchettes

Sent: December 10, 2020 11:30 AM

To: NAT-Dist_all_CBSA-tous_ASFC

Subject: The CBSA Daily - December 10 décembre - Le Quotidien de l'ASFC



Thank you for your ongoing commitment to the Agency and to Canadians during these unique times.

We will continue to share new information related to COVID-19 in the CBSA Daily and you can find all work-related coronavirus information by visiting the [COVID-19 Resources for CBSA employees on Atlas](#).

5TH ANNIVERSARY OF OPERATION SYRIAN REFUGEE

Nous vous remercions de votre engagement continu envers l'Agence et les Canadiens en cette période sans précédent.

Nous continuerons à diffuser les nouvelles informations relatives à la COVID-19 dans le Quotidien de l'ASFC. Vous trouverez tous les renseignements concernant le coronavirus et le milieu de travail sur la page Atlas [COVID-19 : Ressources pour les employés de l'ASFC](#).

5E ANNIVERSAIRE DE L'OPÉRATION RÉFUGIÉS SYRIENS

On December 10, 2015, Canada welcomed its first flight of Syrian refugees at Toronto's Pearson International Airport, following a Government commitment to resettle a total of 25,000 Syrian refugees to Canada by February 2016.

For the CBSA, as well as other Government of Canada organizations, Operation Syrian Refugee was a landmark event that affected how we operate during times of humanitarian crises. It also demonstrated to the world that Canada is welcoming, diverse and inclusive.

Our Agency's role was a broad one. It included: the emergency response planning to process 25,000 arrivals in Canada; the work of our international liaison officers overseas to help screen potential refugees; and, the establishment of two temporary ports of entry at airports in Montreal and Toronto. All of this work was undertaken alongside our regular operations on a global, 24/7 basis. This created significant challenges for all those involved across the country and abroad, but they demonstrated exceptional professionalism and commitment by adapting to the dynamic and fast-paced environment.

Looking back, our personnel performed above and beyond expectations. The CBSA's contribution played a significant role in the Government of Canada's overall success in this humanitarian endeavour. Operation Syrian Refugee was carried out with careful consideration and accommodation of cultural sensitivities, including demonstrating respect for the dignity and privacy of refugees, while continuing to ensure the safety and security of Canadians.

We are proud of the role played by all those involved in the response to this humanitarian crisis, and we would like to express our profound gratitude. The Agency's values of respect, integrity, and professionalism that you demonstrated five years ago continue to characterize the Agency to this day, as we work as One Team in the current challenging circumstances.



John Ossowski
President



Paul MacKinnon
Executive Vice-President

COVID-19 RESOURCES FOR EMPLOYEES

The Vacation Leave Capsule under the [leave, compensation and training](#) page has been amended.

CBSA RENEWAL

Le 10 décembre 2015, le Canada a accueilli son premier vol de réfugiés syriens à l'aéroport international Pearson de Toronto, comme suite à l'engagement du gouvernement de réinstaller un total de 25 000 réfugiés syriens au Canada avant février 2016.

Pour l'ASFC, ainsi que pour d'autres organismes du gouvernement du Canada, l'Opération réfugiés syriens a été un événement marquant qui a eu une incidence sur notre façon de fonctionner en temps de crise humanitaire. Elle a également démontré au monde entier que le Canada est accueillant, diversifié et inclusif.

Le rôle de notre agence était vaste. Il comprenait la planification des mesures d'urgence pour traiter 25 000 arrivées au Canada, le travail de nos agents de liaison à l'étranger pour sélectionner des réfugiés potentiels et la création de deux points d'entrée temporaires aux aéroports de Montréal et de Toronto. Tout ce travail a été entrepris parallèlement à nos opérations régulières à l'échelle mondiale, 24 heures sur 24 et 7 jours sur 7. Cela a donné lieu à des circonstances difficiles pour toutes les personnes concernées au pays et à l'étranger, mais elles ont fait preuve d'un professionnalisme et d'un engagement exceptionnels en s'adaptant à l'environnement dynamique et rapide.

Avec le recul, notre personnel a dépassé les attentes. La contribution de l'ASFC a joué un rôle important dans le succès global du gouvernement du Canada dans cette mission humanitaire. L'Opération réfugiés syriens a été menée en tenant compte des réalités culturelles et en respectant la dignité et la vie privée des réfugiés, tout en continuant à assurer la sécurité des Canadiens.

Nous sommes fiers du rôle joué par tous ceux qui ont participé à la réponse à cette crise humanitaire, et nous aimerions leur exprimer notre profonde gratitude. Les valeurs de respect, d'intégrité et de professionnalisme de l'Agence dont vous avez fait preuve il y a cinq ans continuent de caractériser l'Agence jusqu'à ce jour, alors que nous travaillons en tant qu'équipe unie dans les circonstances difficiles actuelles.



John Ossowski
Président



Paul MacKinnon
Premier vice-président

RESSOURCES SUR LA COVID-19 POUR LES EMPLOYÉS

La capsule sur les congés annuels sous la page de [congés, rémunération et formation](#) a été modifiée.

RENOUVELLEMENT DE L'ASFC



What do a boat, plexiglass barriers and a dog kennel have in common?

Find out in this Q&A with two of our leaders.



Patrick Boucher
Vice-President and Chief Transformation Officer



Qu'ont en commun un bateau, des panneaux de plexiglass et un chenil?

Découvrez-le au cours de cette séance de questions et réponses avec deux de nos dirigeants.



Patrick Boucher
Vice-président et dirigeant principal de la transformation

LGBTQ2 SURVEY AND ACTION PLAN

On November 27, 2020, the Government of Canada launched a national LGBTQ2 survey to better understand the daily realities and experiences of the LGBTQ2 community in Canada in areas, such as employment, healthcare, housing, homelessness, and safety. The survey is the first of a series of engagement activities that will inform the first-ever Federal LGBTQ2 Action Plan to advance equity and improve the lives of diverse LGBTQ2 communities throughout the country.

The survey is open to anyone in Canada aged 16 or older, who self-identifies as lesbian, gay, bisexual, transgender, intersex, queer or Two-Spirit, we encourage you to complete the survey online, including those who identify as part of the LGBTQ2 community, but use different terms or concepts to refer to their sexual orientation and/or gender identity and expression. Participation is voluntary and anonymous.

Fill out the online survey at canada.ca/lgbtq2-action-plan and share your voice!

Visit [Atlas](#) and the [wiki](#) to find out more about the CBSA LGBTQ2+ Advisory Committee.

CBSA LGBTQ2+ Advisory Committee

SONDAGE ET PLAN D'ACTION LGBTQ2

Le 27 novembre, le gouvernement du Canada a lancé un sondage national LGBTQ2 pour mieux comprendre les réalités et les expériences quotidiennes des personnes LGBTQ2 au Canada dans des domaines, tels que l'emploi, les soins de santé, le logement, l'itinérance et la sécurité. Le sondage marque le début d'une série d'activités de mobilisation qui informeront le tout premier plan d'action fédéral LGBTQ2 pour faire progresser l'équité et améliorer la vie des diverses communautés LGBTQ2 dans l'ensemble du pays.

Le sondage est ouvert à toute personne au Canada de 16 ans ou plus qui s'identifie comme lesbienne, gaie, bisexuelle, transgenre, intersexuée, queer ou bispirituelle. Nous vous encourageons à répondre au sondage en ligne, y compris ceux qui s'identifient comme faisant partie de la communauté LGBTQ2, mais qui utilisent des termes ou des concepts différents pour désigner leur orientation sexuelle et/ou leur identité et expression de genre. La participation est volontaire et anonyme.

Remplissez le sondage en ligne à canada.ca/lgbtq2-action-plan et faites connaître votre opinion!

Visitez [Atlas](#) et le [wiki](#) pour en savoir davantage sur le Comité consultatif LGBTQ2+ de l'ASFC.

Comité consultatif LGBTQ2+ ASFC

DECEMBER 2020 COMPENSATORY LEAVE CASH-OUT EXERCISE RELATED TO THE AV AND NR COLLECTIVE AGREEMENTS

The Treasury Board of Canada Secretariat (TBS) and the bargaining agents have agreed to continue the postponement of the automatic cash-out of compensatory leave for 2020.

EXERCICE D'ENCAISSEMENT DES CONGÉS COMPENSATOIRES DE DÉCEMBRE 2020 RELIÉ AUX CONVENTIONS COLLECTIVES DES AV ET NR

Le Secrétariat du Conseil du Trésor du Canada (SCT) et les agents négociateurs ont convenu de continuer le report automatique des congés compensatoires pour 2020.

As a result the mandatory compensatory leave cash-out exercise for the AV and NR collective agreements will not be automatically actioned for December 2020, unless requested by the employee.

Please consult [Atlas](#) for more information, including how to request the December 2020 compensatory leave cash-out for the AU, CO, EN or PG groups before the deadline of **December 31, 2020**.

Par conséquent, l'exercice d'encaissement des congés compensatoires obligatoires pour les conventions collectives AV et NR ne sera pas automatiquement mis en œuvre pour décembre 2020, sauf sur demande de l'employé.

Veuillez consulter [Atlas](#) pour plus d'informations, y compris la marche à suivre pour demander les congés compensatoires rémunérés de décembre 2020 pour les groupes AU, CO, EN et PG avant la date limite du **31 décembre 2020**.

SAVE THE DATE FOR THE UPCOMING AACT ACCESSIBILITY VIRTUAL LEARNING SERIES!

The Government of Canada's vision is to make Canada's public service the most accessible and inclusive in the world. [Shared Services Canada](#) (SSC) supports this vision by making information and communications technology usable by all.

SSC is happy to announce the upcoming Accessibility Virtual Learning Series led by the [Accessibility, Accommodation and Adaptive Computer Technology \(AACT\) Program](#).

AACT assists employees with disabilities, injuries and workplace adjustments through needs assessments, training, and access to adaptive computer technology, hardware, software, and services. AACT continuously evolves its services to meet the challenges of an increasingly digital work environment.

From December 2020 to March 2021, the Accessibility Virtual Learning Series will enable federal government employees to learn about accessibility, accommodation and adaptive technology.

Upcoming Event:

Fast tracked accommodations for short-term employees and Procuring accessible information communication technologies:

- December 11, 2020 : Sessions in French

No registration is required.

To learn more about this event and upcoming events, visit the [GCPedia page](#).

VEUILLEZ RÉSERVER LA DATE DE LA PROCHAINE SÉRIE D'APPRENTISSAGE VIRTUEL SUR L'ACCESSIBILITÉ D'AATIA!

La vision du gouvernement du Canada est de faire en sorte que la fonction publique du Canada soit la plus accessible et la plus inclusive du monde. [Services partagés Canada](#) (SPC) soutient cette vision en rendant les technologies de l'information et des communications utilisables par tous.

SPC est heureux d'annoncer la prochaine série d'apprentissage virtuel sur l'accessibilité dirigée par le [Programme d'accessibilité, d'adaptation et de technologie informatique adaptée \(AATIA\)](#).

Le Programme d'AATIA aide les employés ayant des incapacités, des blessures et des exigences en matière d'adaptation du milieu de travail en offrant des évaluations des besoins, de la formation et l'accès à des technologies, à du matériel, à des logiciels et à des services informatiques adaptés. Il améliore continuellement ses services pour relever les défis que pose un environnement de travail de plus en plus numérique.

De décembre 2020 à mars 2021, la série d'apprentissage virtuel sur l'accessibilité permettra aux fonctionnaires fédéraux de se renseigner sur l'accessibilité, les mesures d'adaptation et la technologie adaptée.

Événement à venir :

Adaptation accélérée pour le personnel temporaire et L'acquisition de technologies de l'information et des communications accessibles :

- 11 décembre 2020 : séances en français

Aucune inscription n'est requise.

Pour obtenir plus de renseignements sur cet événement et sur les événements à venir, veuillez consulter la [page GCPédia](#).

CALL FOR NOMINATIONS FOR THE ABOVE AND BEYOND AWARD

Now is your chance to recognize colleagues who stand out through their commitment and exceptional work!

The nomination period for the Above and Beyond award is in progress.

APPEL DE MISES EN CANDIDATURES DU PRIX AU-DELÀ DU DEVOIR

Voici votre chance de reconnaître des collègues qui se démarquent par leur dévouement et leur excellent travail !

La période de mises en candidatures pour le prix Au-delà du devoir est en cours.

During each ceremony, the President acknowledges individuals who go above and beyond their duty. This award is a perfect opportunity to recognize employees at all levels across the Agency.

The next ceremony will take place virtually on January 27, 2021. Please send your nomination submissions by December 23, 2020.

For more information on how to submit a nomination, visit the [Above and Beyond Atlas](#) page.

Lors de chaque cérémonie, le président reconnaît les individus qui vont au-delà de leur devoir. Ce prix offre une occasion idéale de reconnaître les employés à tous les niveaux au sein de l'Agence.

La prochaine cérémonie se tiendra virtuellement le 27 janvier 2021. Veuillez svp envoyer vos mises en candidatures d'ici le 23 décembre 2020.

Pour de plus amples renseignements sur la façon de soumettre une candidature, visitez la page [Au-delà du devoir](#) sur Atlas.

BORDER UPDATE



Your video news source: [every week on Atlas](#).

In this edition:

- [Teams software](#)

Added: December 4, 2020

L'ASFC EN BREF



Vos nouvelles en vidéo : [chaque semaine sur Atlas](#).

Dans cette édition :

- [Logiciel Teams](#)

Ajoutée : Le 4 décembre 2020

ATLAS ASKS



The Agency's 2019 Public Service Employee Survey (PSES) results showed an increase in average positive responses across all questions.

- True
- False

Visit [Atlas](#) to submit your answer.

ATLAS VOUS DEMANDE



Les résultats du Sondage auprès des fonctionnaires fédéraux (SAFF) 2019 de l'Agence ont montré une augmentation de la moyenne des réponses positives à toutes les questions.

- Vrai
- Faux

Visitez [Atlas](#) pour soumettre votre réponse.



Vacation Leave

The CBSA is incredibly proud of the professionalism that employees have shown in responding to the COVID-19 pandemic.

Management at all levels want to appropriately acknowledge employee's unwavering Agency-wide commitment and dedication under such challenging and unique conditions.

During these on-going and unprecedented times, it is extremely important to recognize there is value in taking a break from a regular work routine.

Resting and recharging can result in real mental and physical advantages that help achieve overall well-being.

Requirements and Expectations

In accordance with respective collective agreements and/or terms and conditions of employment, ***all employees** are expected to:

- Request and use vacation leave credits in the year that they are earned;
- Submit leave requests to their supervisor and/or manager (for the fiscal year up to March 31, 2021); and
- Adhere to the maximum carry-over vacation leave balance.

Example: The Border Services (FB) and Program and Administrative Services (PA) collective agreements specify the maximum carry-over amount to be 262.5 hours.

It is important to note that, although Phoenix Damages related leave is tracked in a separate bank from vacation leave (if applicable), it is included in the calculation of vacation leave balances for carry-over purposes.

* Note: This includes employees who are on leave with pay for other reasons related to the pandemic during fiscal year 2020-2021.



Carry-Over of Vacation leave

Employees who have large vacation leave balances and have not yet submitted their vacation leave plans will:

- Be asked by their supervisor and/or manager to develop a leave utilization plan for the fiscal year 2020-2021; and
- Need to ensure vacation leave (along with any remaining Phoenix Damages leave, if relevant) carry-over balances do not exceed the maximum hours specified in their collective agreement and/or terms and conditions of employment

Note: An employee who has **requested, but has not been granted** all of their earned 2020-2021 vacation leave by March 31, 2021, may carry-over their unused portion of 2020-2021 vacation leave entitlements, up to the maximum carry-over balance specified in their collective agreement and/or terms and conditions of employment.

Modification and/or Cancellation of Vacation Leave

Employees who have approved vacation leave in **fiscal year 2020-2021**, but have not yet started this anticipated leave, may, **due to the on-going pandemic**, request to modify and/or cancel their vacation leave with the understanding that they:

- Will be available to **report to work**, as per their assigned and/or scheduled hours of work; and
- Will provide their supervisor and/or manager with a request for alternate vacation leave dates to be taken **before March 31, 2021**.

Travel Considerations

If employees are planning to engage in inter-provincial/territorial and/or international travels, they must consider public health travel advisories as per the active travel health notices, and any restrictions as outlined by respective provincial and/or territorial authorities including any specific municipal related requirements.



This consists of complying with applicable **national and/or provincial/territorial self-isolation and/or quarantine travel** related requirements.

Should this be the case, employees are expected to request additional planned vacation leave in order to cover their **entire anticipated time away from the workplace**, including applicable self-isolation and/or quarantine periods.

Leave with pay for other reasons will **not be approved** for personal travel and/or for vacation leave purposes.

Questions

Employees are encouraged to discuss any vacation leave related questions with their supervisor and/or manager.

Upper, Kim

From: Upper, Kim
Sent: December 10, 2020 02:12 PM
To: Ryan, Joe
Subject: FW: Nov 9th leave guidelines

fyi

From: Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Sent: December 10, 2020 1:52 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: RE: Nov 9th leave guidelines

Ok... thanks Kim

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 10, 2020 1:51 PM
To: Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Subject: RE: Nov 9th leave guidelines

Hey there,
I advised Joe this morning that he could draw on you for assistance with this. He will probably reach out to you once he establishes the plan.

From: Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Sent: December 10, 2020 1:47 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: FW: Nov 9th leave guidelines

Afternoon Kim,

Is this something you want me to be working on?

I know we really haven't discussed what exactly it is you want me to do.

Thanks

Darren

From: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>
Sent: December 10, 2020 1:40 PM
To: Raj, Nadia <Nadia.Raj@cbsa-asfc.gc.ca>; Smith, Darren <Darren.Smith@cbsa-asfc.gc.ca>
Cc: Ryan, Joe <Joe.Ryan@cbsa-asfc.gc.ca>; LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>
Subject: FW: Nov 9th leave guidelines

Hello Nadia and Darren,

During our Chiefs meeting this morning we were informed that we will be initiating the leave guidelines issued on November 9 relating to those on 69XX leave.

This will require those individuals on 69XX leave, away from work, to provide us with a vacation leave plan.

The employees are expected to provide us with a leave plan to utilize their vacation leave allotment for the current year.

Similar to the previous exercise regarding 69XX we will need to develop a tracking (Excel) document detailing the following:

Employee Name

Employee Leave allotment for the calendar year

Date Employee contacted by telephone to advise them of the request for vacation scheduling (required as soon as possible, but no later than January 4, 2021.)

Request understood by employee (yes/no)

Employee contacted by email regarding vacation scheduling plan to ensure vacation leave allotment for the year is utilized.

Follow up communication dates with employee.

Date Leave plan submitted by employee by management –

All vacation leave allotted for the year utilized yes/no

Last date for providing Leave (plan not submitted – January 4

Leave plan hard scheduled by Management

Date leave plan scheduled by Management was sent to the employee.

I would like to have a conference call on this at 15:00 today, please advise if you are available.

1-855-288-0982

Access code

Thank you,

Joe

Chief, Operations Branch

Canada Border Services Agency / Government of Canada

Joe.Ryan@cbsa-asfc.gc.ca / Tel. : 905-994-6309 .

Chef, Direction générale des opérations

Agence des services frontaliers du Canada / Gouvernement du Canada

Joe.Ryan@cbsa-asfc.gc.ca / Tél. : 905-994-6309 .

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>

Sent: December 10, 2020 12:45 PM

To: LaBelle, Sara <Sara.LaBelle@cbsa-asfc.gc.ca>; Lafferty, Daniel <Daniel.Lafferty@cbsa-asfc.gc.ca>; Ryan, Joe

<Joe.Ryan@cbsa-asfc.gc.ca>; Vanderklei, Craig <Craig.Vanderklei@cbsa-asfc.gc.ca>

Subject: FW: Nov 9th leave guidelines

For your awareness.

From: Upper, Kim

Sent: December 10, 2020 12:44 PM

To:

Subject: Nov 9th leave guidelines

Good Afternoon Gus,

Wanted to make you aware that the Fort Erie District (as well as other Districts in SOR) will be following the Treasury Board/Government of Canada leave guidelines with respect to "Other leave with Pay" (69XX) that was issued on November 9th 2020. Additionally, Management will be contacting employees on 69XX leave to seek their vacation leave plans. It will be expected that employees use the vacation leave earned this year. We will be requesting their vacation leave plans as soon as possible, or no later than January 4th 2021. I anticipate management will be contacting employees over the next week or so.

I am available to discuss if you have any questions. If your questions are in relation to specific cases, please direct them to the employees manager/Chief.

Thank you,

Kim Upper

A/Director, Fort Erie District

Canada Border Services Agency / Government of Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie

Agence des services frontaliers du Canada / Gouvernement du Canada

Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

Upper, Kim

From: Upper, Kim
Sent: December 9, 2020 09:16 AM
To: Minniti-Rocco, Marisa
Subject: RE: leave guidelines

Ok, thank you ... appreciate the info

From: Minniti-Rocco, Marisa <Marisa.Minniti@cbsa-asfc.gc.ca>
Sent: December 9, 2020 9:14 AM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Subject: RE: leave guidelines

Hi Kim, please hold off until the RDG communicates to the Management team as a whole – I believe there was one more meeting taking place this week. I will confirm with her later today.

Marisa

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 9, 2020 8:58 AM
To: Minniti-Rocco, Marisa <Marisa.Minniti@cbsa-asfc.gc.ca>
Subject: leave guidelines

Hi Marisa,
Following up on the new leave guidelines. I recall the RDG saying she was getting confirmation from PS Monday afternoon and would be advising from there. Is there a way forward on this? Are we to proceed with notification to CIU and subsequently, start contacting the employees?

thanks

Kim Upper
A/Director, Fort Erie District
Canada Border Services Agency / Government of Canada
Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

A/Directeur, District de Fort Erie
Agence des services frontaliers du Canada / Gouvernement du Canada
Kim.Upper@cbsa-asfc.gc.ca / Tel: 905-994-6500 / TTY 866-335-3237

From: [Upper, Kim](#)
Sent: December 18, 2020 03:38 PM
To: [Minniti-Rocco, Marisa](#)
Cc: [Stagg, Robert](#)
Subject: RE: need your quick input pls

Thank you!
My response is down range...
Thanks for the input

From: Minniti-Rocco, Marisa <Marisa.Minniti@cbsa-asfc.gc.ca>
Sent: December 18, 2020 2:11 PM
To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Cc: Stagg, Robert <Robert.Stagg@cbsa-asfc.gc.ca>
Subject: RE: need your quick input pls

I'd like to make a couple of suggestions – how about this?

From: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>
Sent: December 18, 2020 1:55 PM
To: Stagg, Robert <Robert.Stagg@cbsa-asfc.gc.ca>; Minniti-Rocco, Marisa <Marisa.Minniti@cbsa-asfc.gc.ca>
Subject: need your quick input pls

Hey Guys,

Let me know if you see any issues with my planned reply:

From: gus kontogianis

Sent: December 17, 2020 12:29 PM

To: Upper, Kim <Kim.Upper@cbsa-asfc.gc.ca>;
'Brian and Kristin Peters'

Subject: FW: 2020-2021 Vacation Leave and Compensatory Time

Hi Kim,

In regards to the e-mail from the RDG regarding vacation leave, does this apply to all employees, even those currently on 69xx leave?

Also, I do not see any mention of being available to accumulate up to 262.50 hours of leave as has been the past practice in Fort Erie District for close to 21 years.

Is the employer's position that everyone will need to use their earned vacation allotment for fiscal 2020-2021, and that employees will not be allowed to accumulate any leave for this fiscal year? In essence, will every person's starting vacation leave balance for 2021-2022 will be the same as it was for 2020-2021?

Thanks,

Gus